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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Third periodic report of States parties due in 2016

Qatar*, **

[Date received: 8 December 2016]

* The second periodic report of Qatar is contained in document CAT/C/QAT/2; it was considered by the Committee at its 1104th and 1107th meetings, held on 5 and 6 November 2012 (CAT/C/SR.1104 and 1107). For its consideration, see the Committee's concluding observations (CAT/C/QAT/CO/2).

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Annex I: Chapter 3 of the Qatari Constitution "Public Rights and Duties"

Annex II: Qatar National Vision 2030

Introduction

1. Qatar has the honour to submit this third periodic report to the Committee against Torture responsible for monitoring implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to article 19 of the Convention, which provides that: "The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request." Since Qatar has agreed to the optional reporting procedure for the submission of periodic reports to the Committee against Torture, its reply to the list of issues contained in document CAT/C/QAT/QPR/3 compiled by the Committee against Torture at its thirty-eighth session (A/62/44, paragraphs 23 and 24) shall be considered as its third periodic period.

2. Qatar wishes to reiterate its adherence to the principles and objectives contained in the Convention and guaranteed by its provisions. In this report, we shall outline the measures taken by Qatar in implementation of the Convention by replying to the list of issues prepared by the Committee against Torture.

3. This report shall be deemed to be a joint national report, which was prepared by a national committee established by decision of the Deputy Minister for Foreign Affairs and International Cooperation and chaired by the Human Rights Department of the Ministry of Foreign Affairs with a number of relevant government bodies as members: the Ministry of Justice, Ministry of the Interior, Ministry of Administrative Development, Labour and Social Affairs, Office of the Public Prosecutor and the Ministry of Public Health. This report was prepared in accordance with the guidelines issued by the Committee against Torture for the preparation of initial and periodic reports which States are required to submit pursuant to article 19. This report was transmitted to the National Human Rights Committee for its views and observations.

4. In submitting this third period report to the esteemed Committee, Qatar reiterates its complete willingness to cooperate with the Committee in replying to any queries regarding Qatar's implementation of the provisions of the Convention. Qatar wishes the Committee every success in performing its tasks as set forth in the Convention.

5. The report is in two parts: Part I — Basic information about Qatar; Part II — Replies to the list of issues prepared by the Committee against Torture in document CAT/C/QAT/QPR/3.

Part I — Basic information about Qatar

6. In addition to the information contained in the second periodic report by Qatar concerning basic information about Qatar and its constitutional and political set-up and the legal framework for the protection of human rights, the following new information should be noted:

Population

7. The total population of Qatar in 2015 was 2,404,00,776, as against 1,699,435 in the 2010 census, which gives an annual population growth rate in Qatar of 7.2% over the past five years.

8. The number of males in the simplified census of 2015 was 1,587,795 and the number of females was 587,795. The age distribution of the population, statistics show that the 15-64 age group was the largest, with 2,051,219 individuals, or 85.3% of the total population.

9. The under-14 age group accounted for 13.6% of the total population in the 2015 census, followed by the over-65 age group, with 1.1%.

10. Qatar is going through an outstanding phase of advancement towards full and comprehensive development. Real gross domestic product (GDP) estimates for Qatar registered a 3.7% growth rate in 2015, attaining Qatari rials (QAR) 672 billion, as compared with the estimates for 2014, which were QAR 194.4 billion.

11. Qatar is considered one of the world's countries with the highest Human Development Index (HDI), as indicated in the Human Development Report 2015 published by the United Nations Development Programme (UNDP), where Qatar was the top Arab country, and ranked 32 worldwide. That report gave the main indicators and statistics showing the achievements of all countries with regard to human development, and the great advances attained by Qatar in the fields of social, economic and environmental development.

12. Qatar came 14th in the Global Competitiveness Report 2016-2017 published in September 2016, and was second among Arab countries, and 18th worldwide out of 138 countries covered by the report. The index measures factors contributing to productivity and wellbeing in 138 countries worldwide. It is based on three "subindexes" which are used to measure the competitiveness of the country worldwide. These are "basic requirements" for the economy, "efficiency enhancers" for the economy, and "innovation and sophistication factors". These subindexes include a total of 12 "pillars", which in turn encompass other more detailed indicators.

13. Qatar also came first among Arab countries in fighting administrative corruption according to the Report on the Competitiveness of Arab Economies 2016 [Arabic only] published by the Arab Monetary Fund. The report showed Qatar as being in first place on that indicator, which is focused on the extent to which individuals in power help to achieve private gains, the prevalence of administrative corruption within the judicial branch and all forms of corruption which hamper the conduct of business, along with gauging how serious the State is in combating corruption. Qatar got a standard rating on that index of 1.608, and the report stressed that Qatar's good rating had been the result of government efforts to establish the Rule of Law and Anti-Corruption Center, which had helped to boost knowledge about and build partnerships to spread awareness of ways of combating administrative corruption.

14. Qatar also came first among countries of the Middle East and North Africa on the annual world peace indicator for 2016 published by the US-based Institute for Economics and Peace (IEP). Qatar was first among Arab countries and in the Middle East, and 34th worldwide out of the 162 countries covered by the report. Qatar thus maintained its position in the Middle East and North Africa in the period 2009-2016 according to the indicator that defines peace as an "absence of violence" and uses 23 indicators to measure the state of peace internally and externally. The indicator takes internal measurements based on a number of criteria, such as the number of murders, the proportion of prisoners, the availability of arms, and the level of organized crime per 100,000 inhabitants. The external indicators concern the size of the army, arms exports and imports, and the number of casualties in battles and United Nations peace-keeping efforts, and relations with neighbouring countries.

15. Qatar is keen to assess its achievement of the Millennium Development Goals (MDGs): it has published five reports on that subject, most recently in April 2015, its latest report on the MDGs. The report showed that Qatar had committed to realizing the objectives of achieving the MDGs in order to make life better for people living in Qatar and had taken great steps towards achieving those goals. The most important outcomes in the report were as follows:

- Goal 1 "Eradicate extreme hunger and poverty" poses no challenge for Qatar, which has managed to provide a decent living to all citizens in its territory.
- Qatar has nearly achieved Goal 2 "Achieve universal primary education" for boys and girls by 2015: school attendance rates in primary school for both sexes are over 92%.

- Qatar has made great progress in the achievement of Goal 3 on gender equality, with a gender equality rate of 1.75.
- Qatar has managed to achieve Goal 4 "Reduce child mortality" by reducing the mortality of children under the age of 5 by two-thirds.
- Qatar has exceeded the goal of reducing maternal mortality by three-fourths.
- Qatar has eradicated malaria and contagious diseases: it has been able to halt the spread of malaria and declare itself free from malaria, in addition to reducing the prevalence of tuberculosis by half and rolling it back before the deadline. Similarly with generalizing treatment for AIDS: the State has provided retroviral treatment to all those affected, and the State is continuing its efforts to prevent the entry and spread of this disease in its territory.
- Qatar has managed to achieve most of Goal 7 "Ensure environmental sustainability": it included environmental considerations in its development planning under the National Development Strategy 2011-2016, and the State has provided the public with safe drinking water and proper sanitation, and it has managed to minimize the adverse effects of the loss of biodiversity.
- Qatar has contributed effectively to developing a global partnership for development, and is today considered to be a donor country and an influential partner in promoting international development assistance.

16. Below is a table of all government aid for the period 2012-2015, totalling QAR 14,765,695,287, shared between the following two sectors:

Year	*Development*	*Humanitarian*
2012	1 172 799 801	788 787 355
2013	3 437 825 046	1 652 247 657
2014	5 287 501 385	593 724 442
2015	1 154 646 108	

17. Qatar's aid and development assistance are a basic pillar of its foreign policy: the list of countries covered by Qatari aid has expanded to 110 countries in Asia, Africa and other regions of the world.

18. Qatar has adopted a trading regime which is open to the outside world, as demonstrated by its commercial exchanges with more than 160 countries from all the world's continents. Qatar has concluded trade partnerships and agreements to encourage foreign investment thanks to its free economic system which is open to other economies.

Part II — Replies to the list of issues prepared by the Committee against Torture in document CAT/C/QAT/QPR/3

Articles 1 and 4

19. The Qatari Constitution and Penal Code consider torture to be a crime which is punishable by law. Article 35 of the Permanent Constitution of Qatar provides that: "All persons are equal before the law", and article 36 of the Constitution of Qatar reads: "Personal freedom shall be guaranteed and no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law; and no person may be subjected to torture, or any degrading treatment; and torture shall be considered a crime punishable by law."

20. The Qatari Penal Code addresses the crime of torture and the corresponding punishment in article 159: "Whoever being a public servant, uses force or threat against an accused person, witness or expert or ordered to force the accused, a witness or an expert to admit to having committed a crime or give statements or information or withholds

information in respect thereof, shall be punished with imprisonment for a term not exceeding five years. The penalty shall be imprisonment for a term up to ten years should the use of use of force lead to permanent disability. The penalty shall be capital punishment or life imprisonment should the use of use of force lead to death of the victim."

21. Article 159 bis of the Penal Code provides that: "Whoever, being a public servant or any other person who acts in an official capacity, uses torture or instigates, agrees or consents to torture another person shall be punished with imprisonment for a term not exceeding five years. The penalty shall be imprisonment up to a term not exceeding ten years if the torture causes permanent disability. The penalty shall be capital punishment or life imprisonment if the torture results in death."

22. Article 159 bis of the Penal Code continues: "Torture is any act which results in severe pain or suffering, whether physical or emotional, which is inflicted on purpose against someone for the purposes of getting information or a confession, or to punish him for an action he did, or was suspected of doing himself or someone else, or to intimidate him or force him or any other person, or when such pain and suffering are due to solitary captivity of any kind. This shall not include the pain or suffering arising only from legal penalties or attachments to such penalties, which may be accidental results thereof."

23. The two above-mentioned texts were replaced by Law No. 8 of 2010. The reason for this amendment was the desire of Qatari legislators to harmonize internal legislation with international instruments to which Qatar was a party. The legislators broadened the concept of "public servant" for the purposes of criminal responsibility and punishment, and adopted the concept of "person acting in an official capacity": it was not specified in the additional article 159 bis that the offender in the crime of torture was an official in the sense laid down in the laws governing public service, such as the law on managing human resources, but rather included all persons acting in an official capacity at the time the act of torture was committed. Qatari legislators also broadened the concept of torture to include greater protection for the victim and place greater limitations on the offender. They considered that the suffering resulting from discrimination, of whatever sort, was a kind of torture, with a view to harmonizing with the concept of torture contained in the Convention.

24. Qatari legislators have strengthened the punishment for the crime of torture, increasing it to execution if the torture gives rise to the death of the victim. If the torture inflicts a permanent disability on the victim, the offender is punished with a maximum prison sentence of 10 years; if the torture does not inflict such a grave result, it shall be punished with a maximum prison sentence of five years.

25. Qatari legislators have criminalized all acts involving any form of ill-treatment, including the use of force or threats to induce the victim, whoever they might be, to admit to a crime or to make statements or provide information thereon or to withhold anything relating thereto.

26. Qatari legislators have criminalized the use of cruelty against any person in the performance of their functions or compelling a person to commit an act except in those cases where the law authorizes such acts, as stipulated in article 161 of the Penal Code, Law No. 11 of 2004: "Whoever, being a public servant uses harshness with any person as part of his office duties or compels him to any act except in those cases where the law authorizes such acts shall be punished with imprisonment for a term not exceeding three years and/or a fine not exceeding ten thousand Qatari riyals (QR 10.000)." Qatari legislators have also criminalized the arrest or detention of any person in circumstances other than those indicated in the law. Article 163 of the Penal Code, Law No. 11 of 2004, stipulates: "A penalty of imprisonment for a term not exceeding five years shall apply to any public officer who arrests a person, imprisons or seizes him except in those cases authorized by law, or orders a penalty for a convicted person that is more severe than stipulated by law or a penalty for which the perpetrator was not convicted."

27. It should be noted that Qatari legislators have established an equivalence between the use of torture or incitement to torture on the one hand, and agreeing to torture or even passing it over in silence on the other hand. Consequently, in accordance with the foregoing, Qatari legislators have made the mere remaining silent about torture, or having knowledge of torture but failing to take any measures, tantamount to the act of torture itself, imposing

equivalent penalties, even as far as execution for persons who remain silent about the crime of torture leading to death, the same as for persons who have committed physical acts of torture. This is a welcome aggravation of penalty, aimed at inducing people to report offences of torture and to stand up to those who commit any kind of torture.

28. Qatari legislators have made offences of torture and ill-treatment, of whatever kind, subject to punishment by appropriate penalties which take into account their grave nature in the manner stipulated in article 4, paragraph 2, of the Convention.

Article 2

Issues contained in paragraph 2 (a) of the list of issues

29. The Ministry of the Interior of Qatar is keen to strengthen and protect the human rights of persons detained to ensure that they enjoy all fundamental safeguards, whether they be citizens or immigrants (male or female), and thereby to prevent arbitrary detention and ensure that they have a right to contact their relatives or their legal representatives by any means available, whether personal or provided by the security services, and to a free medical examination with the knowledge of the official medical services of the State, in addition to taking the necessary judicial measures, referring the case within 24 hours to the Office of the Public Prosecutor in accordance with the law, ensuring the presence of female personnel in the case of investigations of women, providing care to pregnant detainees. These services shall provide multilingual interpreters and enable contact and cooperation with the consular officials of the country of which the accused are nationals.

30. Law No. 23 of 2004 on criminal procedure provides for legal safeguards to detainees without discrimination. Article 113 provides that "Any person who is arrested or placed in pretrial detention shall be informed immediately of the reasons of the arrest, detention and the charge attributed thereto, and that person shall be entitled to communicate with any person he so requests and to seek the assistance of an attorney." Article 114 provides that "When a suspect is held at the place specified for pretrial detention, a copy of the pretrial detention order shall be delivered to the officer in charge of the suspect, stating the expiry date, after signing the original copy."

31. Article 115 provides that "Unless with written permission from the Public Prosecution, the officer responsible for the management of the pretrial detention place shall not allow any public authority officer, whether directly or through another person, to communicate with the precautionary detained suspect inside such place, and shall record in the ad hoc register the name of the permitted person, the time of the visit and the date and the content of the permission."

32. Law No. 10 of 2002 on the Office of the Public Prosecutor and Law No. 3 of 2009 regulating penal and reform institutions ensure legal safeguards to detained persons without distinction.

Issues contained in paragraphs 2 (b) and (c) of the list of issues

33. All persons are entered in a daily central register by the security services; furthermore, a standard security regime is applied, which links all services among themselves for that purpose. Juveniles are referred to the juvenile police service, which enters their names and the criminal acts of which they are accused in a special register.

34. There are various types of monitoring mechanism for effective observation to ensure that law enforcement officers (police officers) abide by the safeguards provided by the law for detainees, as follows:

- **Judicial monitoring of the conditions of detainees**: This authorizes officials of the Office of the Public Prosecutor to enter establishments within their jurisdiction to ensure that no person is detained illegally and to verify the legitimacy of arrest and detention warrants, and to hear any complaints from any detainee, including regarding any ill-treatment or torture of them;

- **Independent national monitoring mechanisms**: These include inspection visits undertaken by the National Human Rights Committee to places of detention in the security services, and the provision of recommendations regarding them to the decision-making authorities in the Ministry of the Interior;

- **Monitoring and observation mechanisms of the Ministry of the Interior**: These consist of a monitoring and assessment mechanism on the human rights conditions of detainees undertaken by the human rights department in the Ministry of the Interior, by means of unannounced inspection teams which visit prisons and places of detention in the security services, the submission of periodic reports thereon to the decision-making authorities in the Ministry, accompanied by recommendations.

35. There are mechanisms for legal accountability in the Ministry of the Interior which ensure enforcement of the principle of accountability and transparency, and which apply to all members of the police force who have been shown to have been involved in any misuse of authority. They shall be subject to disciplinary proceedings, without prejudice to the right to bring a criminal or civil action if necessary, pursuant to articles 71, 72 and 73 of the law on military service.

36. It has been decided, in accordance with article 36 of the Constitution, that personal freedom is guaranteed, and no person may be arrested, detained, searched, nor may their freedom of residence and mobility be restricted save under the provisions of the law; personal freedom is therefore is guaranteed in accordance with the law.

37. It has also been decided, in accordance with article 39 of the Constitution, that an accused person is presumed innocent until their guilt is proved before a court of law in which the necessary guarantees of the right of defence are ensured.

38. On the basis of these firm constitutional rules, the Code of Criminal Procedure stipulates, in article 40, that "No person shall be arrested or detained except pursuant to an order issued by the competent authorities, and in the cases prescribed by the law. The arrested person shall be treated in such a way that preserves his human dignity, and shall not be harmed physically or morally. The law enforcement officer shall remind the suspect of his right to remain silent and to communicate with any persons he wishes."

39. It is apparent from the foregoing that the law enforcement officer shall inform the accused immediately upon arrest of all the above-mentioned fundamental safeguards, including the right to remain silent, the right to communicate with any persons the accused sees fit, and the right to seek the assistance of a lawyer. It has been stipulated, in accordance with Law No. 23 of 2006 that the authorities before which the lawyer pursues his profession are bound to provide him with all facilities necessary for the smooth performance of his tasks, and hence to allow him to be present.

40. In order to ensure that the law enforcement officers comply with these procedures, article 27 of the Code of Criminal Procedure provides that the law enforcement officer shall be either a member of the Office of the Public Prosecutor or of the police force, and according to article 28 that he should be affiliated to and subject to the supervision of the Public Prosecutor with regard to judicial control. Should the law enforcement officer violate or breach the duties of the job, the Public Prosecutor may order a competent authority to which a law enforcement officer is affiliated, to consider his case. The Public Prosecutor may request initiation of disciplinary action against the law enforcement officer, without prejudice to the criminal action.

41. Since the Office of the Public Prosecutor receives all minutes and reports from members of the police force, as they are required to do by law, if there is sufficient evidence against the accused, it shall refer the detained accused within 24 hours to the competent public prosecutor.

42. The Office of the Public Prosecutor shall then ascertain the extent to which the law enforcement officers ensured the above-mentioned basic safeguards: the Public Prosecutor shall ask the authority under which the law enforcement officer works to examine his case and to determine whether there was any infraction of his duties or shortcoming in his work, in which case the Public Prosecutor shall lodge a disciplinary complaint against him. Inasmuch as the law enforcement officers referred all detainees within 24 hours to the

Office of the Public Prosecutor, the Office of the Public Prosecutor may play its role by receiving any complaints from the above-mentioned accused. Similarly, the right to lodge complaints is guaranteed to any accused whose legally guaranteed rights have been infringed.

43. With regard to the video recording of interrogations, the Office of the Public Prosecutor shall spare no effort to use all possible modern technical means in order to clarify, confirm and document the facts of the incident under investigation. Among those means are the video sampling of the main events: the Office of the Public Prosecutor asks the department of technical services to take sample recordings of the crime scene in the presence of the accused and his lawyers, and if that confirms his crime, he shall explain and re-enact the crime. This sample is recorded audiovisually in video, and the Office of the Public Prosecutor shall rely on this as evidence supporting the other evidence in the case. It should also be noted that all public spaces in places of detention, such as prisons and security departments and units are under camera monitoring, which records everything that takes place there, for future reference in case of need.

44. Qatar ensures that all detained persons are recorded and also undertakes effective monitoring to gauge the compliance with the law of all employees. In Qatari criminal procedure, detention is divided into two types: the first is pretrial detention, concerning all those who are detained pursuant to a warrant issued by a competent authority, and the second is arrest in implementation of a mandatory judicial order. In both cases, the rules governing the recording of the persons detained are the same, as outlined in the following.

45. If, following interrogation of the accused, it appears that there is sufficient evidence to attribute the crime to that person, if the incident was an offence or a misdemeanour punishable by detention for six months or more, the member of the Office of the Public Prosecutor may issue an order for the pretrial detention of the accused, and it is always possible to order pretrial detention of the accused if they have no fixed and known place of residence in Qatar and the crime is an offence punishable by detention. The pretrial detention order shall include the name, title, profession and place of residence of the accused, and the charge brought against him, the date of the order, the name and signature of the official of the Office of the Public Prosecutor, and the seal of the Office of the Public Prosecutor in which he works.

46. As indicated previously, the pretrial detention order must also contain the legal provision applying to the incident, and the person in charge of the place of detention shall receive the accused and place him in it. When placing the accused in the place of detention, a copy of the pretrial detention order shall be given to the person in charge of the place of detention showing the date on which it expires and receipt of which shall be signed for on the original.

47. In both cases, whether pretrial detention or detention pursuant to a judicial order, no person may be placed in the penal or reform institution for the implementation of penalties except by written order from the Office of the Public Prosecutor or the authority responsible for the detention on a standard form for that purpose, and the person may not be detained there for longer than the period specified in the order.[1]

48. With regard to health care and medical examinations of detainees upon entry into the place of detention, each institution shall have a medical unit headed by a doctor responsible for the health, medical care and nutrition of the detainees; detainees shall enjoy free medical care in the institution.

49. In all cases, as indicated above in paragraph 26 of this report, the law authorizes members of the Office of the Public Prosecutor to enter the places designated for detention located within their jurisdiction in order to ensure that there is no illegal detainee. They may examine the registers and arrest and detention warrants and take copies of them; they may also contact any detainee and hear any complaint they may wish to make. They shall be given all possible assistance to get the information they request.[2]

[1] Article 15 of Law No. 3 of 2009 regulating penal and reform institutions.

[2] Article 395 of Law No. 23 of 2004 — Code of Criminal Practice.

50. Any person who becomes aware of the illegal presence of a detainee or of a detainee in a place not designated for detention shall inform a member of the Office of the Public Prosecutor, who shall immediately go to the place where such person is detained, investigate the situation, and order the release of the illegally detained person.

51. Finally, each detainee in a place of detention may, at any time, lodge a written or oral complaint with the person in charge of the place of detention and ask him to communicate it to the Office of the Public Prosecutor once it has been logged in the special register for that purpose. The person in charge of the place of detention shall receive it and communicate it immediately to the Office of the Public Prosecutor.[3]

52. The Public Prosecutor has instructions to entrust senior members of the Office of the Public Prosecutor, each in his jurisdiction, with visiting the places of detention, undertaking the necessary inspections, and examining the registers of arrest and detention warrants in order to ensure that there are no illegally detained persons, and to hear the complaints of any detainee. This shall be done periodically and a report thereon shall be prepared and submitted to the Public Prosecutor.

53. The person conducting the inspection shall record the types of judicial detainees, dividing them into categories and subcategories according to age, the crime for which they have been sentenced, the gravity of the crime, whether a second offence, and the length of the sentence, in addition to ascertaining whether first offenders are separated from repeat offenders, preventive detainees are placed in premises designated for them, that no person is placed in a place of detention without a written warrant from the Office of the Public Prosecutor or other competent authority on the standard form for that purpose, and that no convicted person remains in the place of detention for longer than the period specified in the implementation order.

Issues contained in paragraph 2 (d) of the list of issues

54. With regard to introducing monitoring and recording of all interrogations, making regular use of audiovisual equipment, in all places where torture and ill-treatment are likely to occur, and providing the necessary resources to the end, in addition to what has been indicated in response to the questions in paragraph 2 (c) of the list of issues, we should like to add the following remarks:

55. The Qatari Code of Criminal Procedure, Law No. 23 of 2004, is the legal guideline for all members of law enforcement agencies, including members of the police force and all other officials endowed with law enforcement powers and members of the Office of the Public Prosecutor in exercising their authority to implement recognized legal procedures, including receiving reports from complainants or informants. All such officials, in the performance of their legal duties, are bound to follow the procedures laid down for them by the law. When law enforcement officers pursue their enquiry by means of interrogations, the Code of Criminal Procedure requires them, when investigating the offences, searching for the perpetrators, gathering the necessary evidence for the enquiry and the trial, to receive the reports and complaints submitted to them regarding the offences and to transmit them immediately to the Office of the Public Prosecutor. Article 31 of the Code of Criminal Procedure stipulates that "The Judicial Commissioners [law enforcement officers] shall accept reports and complaints received about offences, and submit them immediately to the Public Prosecution."

56. "They shall obtain all necessary clarifications in order to facilitate the investigation of the reported facts, or of the facts of which they are aware, by whatever manner, and they shall take all the necessary precautionary measures to preserve the evidence of a crime."

57. "All procedures carried out by the Judicial Commissioners shall be made in written records signed by them, showing the time and place of procedures, accompanied with the signature of the suspect, witnesses and experts who were heard in the proceedings. The fingerprint shall stand as the signature. If the suspect, witness or expert refuses to sign, this shall be proved in the record with its reasons. No action shall be considered if not proved in

[3] Article 396 of Law No. 23 of 2004 — Code of Criminal Practice.

these records. The written record, papers and the seized items shall be sent to the Public Prosecution."

58. On the basis of the foregoing text, the person undertaking the investigation must record and confirm all legal procedures applied in the course of his work. The law also requires persons undertaking the investigation to agree to the presence of the accused's legal counsel during the investigation of the accused in order to ensure that the procedures used are legitimate and legal, especially during the initial stages of the investigation; this is considered a legal safeguard provided to the accused by the Code of Criminal Procedure, and is what is laid down in article 34 of the Code, which provides that "The Judicial Commissioners [law enforcement officers] may, during the collection of evidence, conduct necessary searches, hear testimony from whoever has information about the offences and its perpetrators, and interrogate the suspect about the charges brought against him. The suspect, his attorney and the victim may attend these procedures whenever possible.

59. "The law enforcement officers may seek the assistance of experts, and request their opinion orally or in writing; however, they shall not take the witnesses' or experts' oath, unless there are fears that this will later be impossible."

60. In addition to the foregoing legal safeguards provided by the Code to the accused, all those procedures shall provide electronic protection consisting of documentation of all premises used in the investigation of the accused.

Issues contained in paragraph 2 (e) of the list of issues

61. An accused under interrogation or investigation enjoys numerous legal safeguards, foremost of which is that a person shall not be arrested or detained except pursuant to an order issued by the competent judicial authorities, in the cases and conditions prescribed by the law, in accordance with article 40 of the Code of Criminal Procedure, which provides that "No person shall be arrested or detained save for pursuant to an order issued by the competent authorities, and in the cases prescribed by the law. The arrested person shall be treated in such a way that maintains his human dignity, and shall not be harmed physically or morally. The Judicial Commissioner shall remind the suspect of his right to remain silent and to communicate with any persons he so wishes."

62. This text demonstrates the broad legal safeguards provided by the law to individuals; in addition to the above-mentioned safeguards, the law makes it incumbent upon the law enforcement officer to interrogate the accused rapidly and to complete the legal procedures with him so that he may be referred to the Office of the Public Prosecutor within 24 hours so that the Office of the Public Prosecutor may determine the fate of the accused without further delay, as prescribed by article 43 of the Code of Criminal Procedure: "The Judicial Commissioner shall hear the statements of the suspect immediately upon his arrest, and if there is sufficient evidence for indictment, the Judicial Commissioner shall refer the suspect within 24 hours to the competent Public Prosecution."

63. "The Public Prosecution shall question the suspect within 24 hours from his referral and then either order to release him or place him in preventive custody."

64. These are not all the legal safeguards; the Code of Criminal Procedure also requires the law enforcement officer, if there is sufficient evidence that the accused has committed an offence or felony, or attempted to do so, or if he has committed a theft or fraud or resisted public officers by force or violence, shall ask the Office of the Public Prosecutor to issue a warrant for his arrest, observing basic legal safeguards for individual liberty and preservation of the individual's rights, as is made clear in article 42 of the Code of Criminal Procedure, which provides. "If there is sufficient evidence indicating that someone is suspected of committing or attempting to commit a felony or misdemeanour of theft or fraud or resisting public officers by force or violence, in cases other than those prescribed in the previous section, the Judicial Commissioner may undertake the appropriate precautionary measures and immediately request the Public Prosecution to issue a warrant of arrest against him. In all cases, the orders of arrest, summon and precautionary measures may be executed by public authority officers."

65. Among the means of redress open to all individuals deprived of their freedom is the lodging of complaints to be examined immediately. The law has decided to allow the Office of the Public Prosecutor to visit places of detention and prisons in order to ensure that no individual is detained there unlawfully. For that purpose they are authorized to examine all registers and arrest or detention warrants and to take copies thereof. They also have the right to communicate with any arrested or detained person and to hear any complaints they wish to lodge. They shall be given all necessary assistance which may enable them to get the information they need and to perform their tasks.

66. The Office of the Public Prosecutor shall receive appeals submitted by the accused regarding the legal procedures taken against him. The Office of the Public Prosecutor shall rule on such appeals in accordance with legal procedures. The law on the National Human Rights Committee in Qatar stipulates that the Committee may visit places of detention.

Issues contained in paragraph 3 of the list of issues

67. The relevant authorities in the Ministry of the Interior ensure that opportunities are provided to detained migrants to contact their families or the embassies and consulates of their country, as they request, and that they are provided with interpreters to help them to understand the reasons for their detention and to inform them of their rights.

68. Article 13 of the law regulating penal and correctional institutions, Law No. 3 of 2009, stipulates that foreign detainees shall be briefed on their right to contact their representative diplomatic mission or consulate.

69. Regarding their right to contact their families, the same law guarantees detainees' right to receive visits and to have communication, and authorizes various types of visit without discrimination to all detainees, in the following manner:

- Public visits, two days each week for men and two days for women;
- Visits by diplomatic or consular officials or lawyers, one day each week;
- Family visits, four days each month;
- Private visits (conjugal visits with spouse), four visits each month.

70. Detainees may also be given leave, where necessary, to visit first-degree relatives outside the institution or to attend funerals or to pay their last respects in the case of the death of one of their first-degree relatives, provided that such leave does not exceed 48 hours.

71. The Public Prosecutor, the Director or their deputies may authorize the detainee to receive visits outside normal visiting hours, where necessary.

72. This topic will also be examined in the reply to article 14.

Issues contained in paragraph 4 of the list of issues

73. Solitary confinement is applied in penal and correctional institutions only as an exceptional measure and for limited periods of time. It is not applied for lengthy periods, only for short periods. Articles 53 to 56 of Law No. 3 of 2009 on the Regulation of Penal and Correctional Institutions provide for solitary confinement procedures in the following manner:

> Article 53 "The following disciplinary sanctions may be imposed on a detainee:
>
> 1. Warning;
>
> 2. Deprivation of some or all of the prescribed privileges for a period not exceeding one month;
>
> 3. Deduction from his wages for a period not exceeding seven days;
>
> 4. Demotion to a lower status."

74. The Law on the Regulation of Penal Institutions and its Implementing Regulations provides accompanying safeguards to those sanctions, in the following manner:

- Article 54 of the law: "Any sanction set out in the preceding Article may not be imposed unless a prior investigation has been conducted, which shall include confronting the detainee with the allegation made against him, hearing what he has to say, and investigating any defence he may have. A committee formed by resolution of the Director shall be responsible for investigations into violations, and the committee shall submit its recommendations to the competent authority regarding sanctions to be taken. In the case of a warning, verification shall be given orally, and in such case its substance shall be proven by the minutes signed by the members of the investigating committee. Sanctions imposed on detainees shall be recorded in the sanctions register. Imposition of any disciplinary sanction shall not preclude the release of the detainee at the appointed time."

- Article 55 of the law: "The Officer shall have the power to impose the sanctions set out in Article 53 (1), (2) and (3) herein. The remainder of the sanctions set out in the aforesaid Article shall be imposed by a resolution of the Director and such resolution shall be based on reasonable grounds.

  "The implementing regulations herein shall define the procedures for imposition of sanctions, ratification and appeal thereof."

- Article 56 of the law: "A detainee **may not** be **punished more than once** for the same offense. Where a detainee commits a number of correlated offences, the most severe penalty shall be imposed."

- Article 26 of the Implementing Regulations: "Pursuant to a decision by the Director, a disciplinary committee shall be formed to investigate the detained offender, to confront him with the offences with which he is charged, to hear his statements and to consider his defence."

- The competent authority for imposing the sanctions set forth in article 55 of the law, having considered the investigation, shall order either that the investigation be closed or that one of the appropriate sanctions be imposed on the detainee, and shall take measures to certify that. The detainee may lodge a complaint with the Director against the decision to punish him, within five days of receipt of notification thereof, and the Director shall rule on the complaint within seven days of the submission of the complaint. Should such period elapse without a ruling on the complaint, that shall be considered to be an implicit rejection thereof.

The judicial legislation demonstrates the determination to ensure safeguards which guarantee the rights of the detainee and to ensure that the detainee is not arbitrarily subject to solitary confinement.

Issues contained in paragraph 5 of the list of issues

75. The Office of the Public Prosecutor is a branch of the judiciary to which the law grants numerous safeguards which support its independence, including:

1. Constitutional and legal safeguards

76. Numerous articles of the Constitution and legal provisions ensure the principle of the independence of the judiciary and the Office of the Public Prosecutor. The Constitution enumerates the basic attributes of Qatari society, first and foremost of which is justice[4] and equality; the State undertakes under its Constitution to uphold those attributes and mainstays.[5] Various constitutional provisions stipulate that persons are equal before the law,[6] that personal freedom is guaranteed,[7] that the sanctity of human privacy shall be inviolable,[8] that an accused person is presumed innocent until his conviction is proved

[4] Article 18 of the Constitution.
[5] Article 20 of the Constitution.
[6] Article 35 of the Constitution.
[7] Article 36 of the Constitution.
[8] Article 37 of the Constitution.

before a court of law wherein the necessary guarantees of the right of self-defence are secured," and that there is no crime and no punishment save as prescribed by the law.[10]

77. The Permanent Constitution of Qatar devotes an entire section, Part Four, to "organization of powers", in which it stresses that the system of government is based on the separation of powers, and shall be exercised in collaboration with the manner specified in the Constitution,[11] and that the judicial authority shall be vested in the courts of law.[12]

78. Section 5 of Part Four of the Constitution stresses the principle of the independence of the judiciary and the rule of law, and states that judges are independent and shall not be subject to any authority in the exercise of their judicial functions as provided by the law, and no interference shall be permitted with court proceedings and the course of justice,[13] and that the right of litigation is inviolable and guaranteed to all people.[14]

79. In the same section devoted to judicial authority, article 136 of the Constitution provides that "Public prosecution shall conduct public actions in the name of the people, supervise the law enforcement, and ensure the enforcement of criminal laws. The law shall regulate the functions of this body, specify the conditions and guarantees pertaining to the staff discharging the functions of the same."

80. Constitutional protection was strengthened by article 1 of Law No. 10 of 2002 on the Office of the Public Prosecutor, which provided that an independent judicial body to be called "the Public Prosecution" shall be established, which shall be composed of a Public Prosecutor as its head, to be assisted by a sufficient number of members of the Office of the Public Prosecutor, and that it shall not be held accountable for the results of its actions within the limits of its jurisdiction.[15]

2. Institutional independence of the Office of the Public Prosecutor

81. The Office of the Public Prosecutor enjoys numerous guarantees ensuring its institutional independence, including:

(a) Financial independence: (independent budget and appropriate resources)

82. Article 1 of Law No. 10 of 2002 on the Office of the Public Prosecutor provides that the Office of the Public Prosecutor shall have a budget annexed to the public budget of the State.

(b) Administrative independence

83. Law No. 10 of 2002 provides for the appointment of a sufficient number of administrative and other staff to the Office of the Public Prosecutor, to be governed by Staff Regulations issued pursuant to a decision by the Council of Ministers on the basis of a proposal from the Public Prosecutor. The appointment of administrative staff to the Office of the Public Prosecutor is thus subject to rules set forth in Law No. 8 of 2008 on Human Resources.

3. Independence of the members of the Office of the Public Prosecutor and the Public Prosecutor (personal guarantees)

84. There are numerous personal guarantees which ensure the independence of members of the Office of the Public Prosecutor and of the Public Prosecutor, including:

[9] Article 39 of the Constitution.
[10] Article 40 of the Constitution.
[11] Article 60 of the Constitution.
[12] Article 63 of the Constitution.
[13] Article 131 of the Constitution.
[14] Article 135 of the Constitution.
[15] Article 6 of Law No. 10 of 2002 on the Office of the Public Prosecutor.

(a) Guarantees for the personal and economic security of the members of the Office of the Public Prosecutor

85. These ensure that members of the Office of the Public Prosecutor may not be dismissed, in accordance with article 23 of Law No. 10 of 2002, which provides that "members of the Public Prosecution may not be dismissed except by a disciplinary action in accordance with the provisions of this Law." Nor may the Office of the Public Prosecutor be held accountable for the results of its work or actions within the limits of its jurisdiction.

86. In accordance with article 40 of Law No. 10 of 2002 on the Office of the Public Prosecutor, "(1) Except where he is caught in flagrante delicto, a member of the Public Prosecution may not be arrested or investigated unless with the Attorney-General's consent and he may not be jailed merely on suspicion except by the Attorney-General's decision. (2) Where the member is caught in flagrante delicto, the Attorney-General must be informed immediately after the member's arrest and shall decide either to jail the member on suspicion or to release him. In all cases, criminal proceedings may be instituted against a member of the Public Prosecution only by a decision of the Attorney-General."

(b) Criminalization of interference in or attempts to influence the decisions of members of the Office of the Public Prosecutor

87. Pursuant to article 201 of the Penal Code, "Whoever publicly shows disrespect or contempt for a judge or any members of the prosecution in a lawsuit shall be punished with imprisonment for a term not exceeding two years and a fine not exceeding ten thousand Qatari riyals (10.000QR) or to one of these two penalties."

88. Pursuant to article 202 of the Penal Code, "Whoever induces a judicial employee, by order, request, menace, wish or recommendation, to modify normal legal procedures or to abstain from applying appropriate legal procedures, shall be punished with imprisonment for a term not exceeding three years and/or a fine not exceeding ten thousand Qatari riyals (QR 10.000)."

89. Pursuant to article 203 of the Penal Code, "A term of up to one year's imprisonment and/or a fine of up to 5,000 Qatari rials (QR 5,000) shall be imposed on anyone who publicly disseminates the following:

1. News concerning a criminal investigation or documents relating to the investigation especially if the investigating authorities have banned dissemination of such news;

2. News concerning names or photographs of people subjected to the investigation, or procedures in lawsuits involving issues of marriage, parenting, divorce, separation, alimony, custody, adultery, calumny or disclosure of secrets;

3. Names or photographs of minor convicts;

4. Names or photographs of victims of rape;

5. Courts' deliberations;

6. News concerning lawsuits that the courts have decided to examine in closed sessions or where diffusion has been banned;

7. Names or photographs of convicts where the sentence is suspended."

(c) Appropriate salaries

90. Article 15 of the Law on the Office of the Public Prosecutor provides, "The salaries, allowances and bonuses of members of the Public Prosecution shall be decided by an Emiri decision based on the proposal of the Attorney-General. A member's salary, allowance and bonus may not be decided on a personal basis, nor may a member be treated exceptionally in any way."

4. Ensuring employment stability

(a) Age of retirement

91. The term of office of members of the Office of the Public Prosecutor shall expire upon reaching the age of retirement, which is 70. A member of the Office of the Public Prosecutor, upon reaching the age of 60, may ask to take retirement.

(b) System of promotions

92. Article 41 of the Law on the Office of the Public Prosecutor provides, "A department for inspecting the work performance of Public Attorneys shall be established and annexed to the Office of the Attorney-General. It shall be chaired by one of the First Attorneys and assisted by a sufficient number of Attorneys-General and Chief Attorneys. The department shall be specialised in inspecting the performance of members of the Public Prosecution other than the Public Attorney and First Attorney. It shall also examine and investigate complaints made against members of the Public Prosecution related to their work or disciplinary matters. By a decision of the Public Attorney, members of this department shall be mandated for a renewable period of two years."

93. Pursuant to article 42 of the Law on the Office of the Public Prosecutor, "Inspection of the work performance of members of the Public Prosecution shall be conducted at least once every two years. Work performance shall be rated as 'competent', 'above average', 'average' and 'less than average'."

(c) Appointment of members of the Office of the Public Prosecutor on the basis of objective criteria

94. The Public Prosecutor shall be appointed by an Emiri Order with the rank of Minister. The Public Prosecutor shall have the same emoluments as those granted to ministers. The rest of the members of the Public Prosecution shall be appointed by a decree upon a recommendation of the Public Prosecutor. Assistant Public Prosecutors shall be appointed or terminated or transferred to some other grade by a decision of the President of the Council of Ministers on the basis of a recommendation by the Public Prosecutor.

(d) System of transfers

95. Article 23 of the Law on the Office of the Public Prosecutor provides that "Members of the Public Prosecution may not be dismissed except by a disciplinary action in accordance with the provisions of this Law."

96. Article 24 of the Law on the Office of the Public Prosecutor provides that "Where a member of the Office of the Public Prosecutor agrees to be transferred to another job, consideration must be given to a job grade equivalent to his previous grade or to a salary range for that grade. Where the member's salary and benefits at the time of transfer are beyond the range of that grade, he may retain his original salary and benefits in a personal capacity."

(e) Prevention of assigning non-judicial or non-legal tasks to members of the Office of the Public Prosecutor

97. Article 17 of the Law on the Office of the Public Prosecutor provides that "Members of the Office of the Public Prosecutor may not be seconded to outside entities unless they are to perform duties similar to judicial work. Secondment shall be by a decision of the Public Prosecutor for a renewable period of one year where the secondment is not permanent, up to a maximum of six consecutive years where the secondment is permanent."

98. Article 18 of the Law on the Office of the Public Prosecutor provides that "A member of the Office of the Public Prosecutor may not, without the approval of the Public Prosecutor, act as an arbitrator in a dispute, even where he charges no fee and where the dispute is not before the court. As an exception thereto, a member of the Office of the Public Prosecutor may, by a decision of the Public Prosecutor, be seconded as an arbitrator to the government or a public institution."

99. Article 19 of the Law on the Office of the Public Prosecutor provides that "A member of the Office of the Public Prosecutor may be seconded to a government or international agency, at home or abroad, and such secondment shall be issued by a decree upon the submission of the Public Prosecutor. The duration of secondment may not exceed four consecutive years, except where necessary in the State's supreme interest and at the discretion of the Emir."

100. It may be seen from the guarantees reviewed above that the Office Public Prosecutor and the Public Prosecutor enjoy independence from the executive branch of Qatar and that members of the Office of the Public Prosecutor enjoy guarantees which grant them independence in the performance of their functions.

Issues contained in paragraph 6 of the list of issues

101. The National Human Rights Committee was established in 2002 as an independent committee as part of the comprehensive renaissance of Qatar, which adopted a comprehensive programme of reforms based on updating the legislative and institutional structure of the country.

102. The Committee was classified Grade A by the International Coordinating Committee of National Human Rights Institutions (ICC-NHRIs), which is an indicator of its commitment to the Paris Principles adopted by the United Nations General Assembly in 1993.

103. The Law establishing the National Human Rights Committee ensured that is able to perform its para-judicial tasks, such as receiving complaints and investigating them, examining any transgressions or human rights violations, coordinating with the competent authorities to take whatever measures are necessary thereon, and suggesting ways of addressing them in order to prevent their reoccurrence, in addition to suggesting ways of achieving the objectives contained in human rights agreements to which Qatar is a party, and recommending that Qatar accede to other such agreements and instruments.

104. The Committee endeavours to make the necessary recommendations and suggestions regarding existing legislation and draft laws, and their compatibility with the provisions of international human rights agreements to which Qatar is a party.

105. The Law on the Establishment of the Committee provides for its competence to visit places of detention, and requires all state bodies and ministries to cooperate with the Committee and to provide it with whatever information it may request. It thus enjoys wide-ranging competence and has been able to undertake surprise visits without prior authorization from the relevant authorities.

I. Report of the National Human Rights Committee for 2014

106. The annual report of the Committee for 2014 indicated that Qatar was free of the practice of torture. However, complaints have reached the Committee concerning violations involving harsh or insulting treatment, and these are being referred to the relevant authorities.

II. Strengthening the regime of independent monitoring of the National Human Rights Committee and other national monitoring mechanisms

(a) National Committee monitoring rules for places of detention

107. Detainees enjoy the necessary guarantees in accordance with international human rights standards provided for in national legislation. With a view to ensuring effective access, the National Human Rights Committee has recently prepared a set of rules for the monitoring of places of detention in order to develop the work of its Visits Committee, consisting of two members of the Committee and two staff.

108. This set of rules was drawn up in accordance with the provisions of the national laws already referred to and of international standards contained in four United Nations instruments: the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Basic Principles for the Treatment of Prisoners; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice; and the

United Nations Rules for the Protection of Juveniles Deprived of their Liberty. This step was aimed at ensuring compliance with the recommendations put forward by the United Nations Committee against Torture with regard to Qatar, and to developing independent monitoring mechanisms, including those of the National Human Rights Committee. The Committee also prepared a Guide to Human Rights Standards in Places of Detention, to which it gave wide distribution.

(b) Number of field visits undertaken by the National Human Rights Committee to places of detention in 2015

109. The Committee undertakes visits to places of detention for the purpose of general monitoring or in order to ascertain the situation of detainees on the basis of complaints or information received from international organizations. In 2015, it undertook a total of 16 visits, as follows:

1. Field visit to the Department of Penal and Correctional Institutions in the Ministry of the Interior on 5 April 2015;

2. Field visit to the psychiatric hospital on 6 April 2015;

3. Field visit to the Department of Research and Follow-up on 18 June 2015;

4. Field visit to the Department of Penal and Correctional Institutions;

5. Field visit to the Department of Penal and Correctional Institutions (Central Prison) on 1 October 2015;

6. Field visit to the Department of Research and Follow-up on 8 October 2015;

7. Field visit to the Department of Research and Follow-up on 12 October 2015;

8. Field visit to the Department of Research and Follow-up on 14 October 2015;

9. Field visit to the Department of Research and Follow-up on 19 October 2015;

10. Field visit to the Department of Research and Follow-up on 26 October 2015;

11. Field visit to the Department of Research and Follow-up on 28 October 2015;

12. Field visit to the [Department of] Industrial Safety on 19 October 2015;

13. Field visit to Umm Salah Prison on 30 October 2015;

14. Field visit to Al-Rayyan Security Department, Ministry of the Interior on 8 December 2015;

15. Field visit to the Department of Research and Follow-up on 15 December 2015;

16. Field visit to the Department of Research and Follow-up on 16 December 2015.

(c) General criteria for the work of the National Human Rights Committee in visiting places of detention

110. Since its establishment, the Committee has held capacity-building training courses and workshops on independent monitoring of places of detention, in cooperation with the Danish Institute against Torture (DIGNITY), the International Rehabilitation Council for Torture Victims (IRCT) in Geneva, and the National Centre for Human Rights (NCHR) in Jordan.

111. The Committee has offered a number of training courses to its members and staff to ensure that monitoring is done according to international standards, including the following:

(a) No discrimination;

(b) Prohibition of torture and harsh, inhuman or demeaning treatment or punishment, the use of disciplinary punishments, long-term solitary confinement, in addition to checking registers that contain information about arrests and legal procedures,

pretrial detention and other information concerning the rights of detainees to appoint a lawyer, to receive a translation, and to communicate with the outside world;

(c) The physical conditions of detention, health and social care standards, and appeal mechanisms;

(d) The rights of women and juveniles in places of detention;

(e) Respect for religion and culture;

(f) Monitoring of supervision mechanisms of places of detention by judicial and executive bodies.

112. The Committee seeks to ensure, by means of training, that its visiting teams have the necessary information and skills for their work, thanks to the following procedures:

1. Meeting with the director of the prison;

2. Walking around the entire facility;

3. Ability to visit all detainees and to conduct meetings freely and without observation by the management of the prison;

4. Talking to the other officials of the prison;

5. Undertaking a final review with the director of the prison;

6. Preparing, within no more than a few days, a secret report on the conclusions and points of agreement reached during the visit, and submitting the report to the director of the prison;

7. Preparing a secret report for submission to the Government;

8. Making a return visit to the prisoners, particular those that were met on previous visits;

9. Visiting all places of detention in the country;

10. Publishing the conclusions and recommendations it arrived at in an annual report on the situation of human rights.

III. Role of the National Human Rights Committee in encouraging national monitoring mechanisms

113. The Committee has drawn up a work plan for 2016 for the monitoring and follow-up of three national mechanisms concerning government bodies to ensure the protection of the rights of detainees, as follows:

1. Periodic self-inspection

114. Pursuant to the Implementing Regulations for the Law on Penal and Correctional Institutions, the official responsible for managing the inspection institution must ensure that the safety, health and organizational standards are met within the institution, record that in the register for period inspections and provide periodic reports, or whenever necessary, to the Director of the Department of Penal and Correctional Institutions on the situation of the institution with regard to its ability to ensure respect for the rights of detainees and their enjoyment of their rights and guarantees provided for under the Law.

2. Monitoring of the Office of the Public Prosecutor

115. In accordance with rules governing judicial supervision of the members of the Office of the Public Prosecutor contained the Code of Criminal Procedure, and in accordance with the provisions of the Implementing Regulations for the Law on Penal and Correctional Institutions, members of the Office of the Public Prosecutor may enter institutions located within their jurisdiction in order to ensure that there are no unlawfully detained persons in them. With a view to performing that function, they may examine registers and arrest or detention warrants and take copies of them; they may also enter into contact with any detained person to hear his complaint.

3. Monitoring and surveillance mechanisms under the Ministry of the Interior

116. Pursuant to the provisions of the Guide to the Rights and Duties of Detainees of the Department of Penal and Correctional Institutions, and as part of the work of the Human Rights Department of the Ministry of the Interior, relevant inspection teams make surprise visits to penal and correctional institutions in order to ascertain the situation of detainees with regard to ensurance of their rights.

IV. Independence of the National Human Rights Committee

117. The National Human Rights Committee was established by decree pursuant to Law No. 38 of 2002; Decree Law No. 17 of 2010 regulating the National Human Rights Committee was then adopted, with a view to developing the law and making it compatible with the Paris Principles. Article 1 of the law provides that "The National Human Rights (NHRC) shall have its own legal personality, as well as its independent budget," and article 3 of the same law provides that among its competencies shall be to conduct field visits to penal and reformatory institutions, detention centres, labour gatherings, health institutions, and educational institutions so as to monitor the human rights status.

118. Article 4 of the same law provides that "The NHRC has full independence in the exercise of its human rights activities." Article 5 of the same law on the composition of the Committee provides that it shall include no less than seven civil society representatives to be selected from experienced human rights advocates, in addition to representatives from government authorities, who shall not have the right to vote.

119. Law No. 12 of 2015 was adopted by amending some of the provisions of Decree Law No. 17 of 2010 regulating the National Human Rights Committee, with a view to granting immunity to members of the Committee. Article 4 provides that "The Committee shall enjoy complete independence in the pursuit of its activities relating to human rights. No member of the Committee shall be held criminally or disciplinarily accountable for any opinions or statements he expresses before the Committee or any of its subcommittees regarding matters coming within its competence. Except in cases of flagrante delicto, it shall not be permissible to enter the headquarters of the Committee or any of its branches or offices, or to inspect any of them, except in the presence of at least a public attorney, on the basis of a warrant from a competent judge."

120. The National Human Rights Committee has explained to the International Coordinating Committee of National Human Rights Institutions (ICC-NHRIs) that it is adopting a methodology for the selection of members without interference from the executive branch. The Committee has done as much as possible in order to ensure harmonization with the Paris Principles, which provide that the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society). The Committee also undertakes to continue to exert the necessary efforts to implement all the observations of the Accreditation Committee regarding the process for the selection of members.

121. One of the reasons the Committee was classified in Grade A in 2010 was the progress achieved by the Committee regarding the selection procedure for its members. The Committee began its work with eight members from the Government, with voting rights, and five members from civil society. Since 2009, the Committee has been composed of four members representing the Government, without voting rights, and nine members representing civil society.

V. Recommendations of the National Human Rights Committee

122. The study of national legislation is one of the best practices the Committee has been able to perform, in accordance with international human rights standards. Since it was established until the present, the Committee has submitted to the Government sound legal studies on basic laws for the protection of rights and freedoms on the basis of international human rights standards, such as the law on the security apparatus of the State, the law on combating terrorism, both of which it has requested should be amended. It has also requested the cancellation of the law on the protection of society, in its annual reports and

shadow reports to international mechanisms. Furthermore, it has made recommendations for the amendment of the law on nationality, and suggestions concerning a draft law to grant the children of Qatari nationals the same guaranteed rights as for Qatari citizens. It has also made suggestions concerning the law regulating the entry, departure and residence of immigrants. The Committee has requested the abolition of the system of kafāla 'sponsorship' in its annual reports and in numerous seminars and press bulletins, and has studied housing and family laws relating to women's rights and the law on marriage to foreigners. Finally, the Committee has made observations regarding a draft law to amend the law on individuals with special needs, in accordance with the Convention on the Rights of Persons with Disabilities, which Qatar has ratified.

123. The Committee has contributed to comments on the draft law on domestic workers, in accordance with International Labour Organization (ILO) Convention 189 on decent work for domestic workers, despite the fact that Qatar has not ratified the Convention, and has put forward suggestions for a new law regulating media activities, in accordance with international human rights standards.

124. The National Human Rights Committee has recommended that the Government of Qatar examine the feasibility of ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and also the International Convention on the Protection of the Rights of All Migrant Workers, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It has further recommended that Qatar review some of its general reservations, as well as specific reservations like that on article 9 of the Convention on the Elimination of All Forms of Discrimination against Women since that would be conducive to strengthening the situation of human rights in Qatar and would help to support the bodies working in that field at the international and regional levels, particularly in the light of Qatar's membership of the Human Rights Council, and its chairship of numerous international and regional human rights bodies and associations.

Issues contained in paragraph 7 (a) of the list of issues

125. Qatar has endeavoured to update its basic rules for the civil society organizations it has established and which operate under the umbrella of the Qatar Foundation for Social Work in such a way as to empower them, develop them, strengthen their capacities and boost their role in society, and thus help them to achieve the objectives for which they were established. In January 2015, the State amended the statutes of the Protection and Social Rehabilitation Center (previously the Qatari Foundation for Protection and Social Rehabilitation), whereby the system of social protection and rehabilitation was strengthened for vulnerable categories in Qatar, including women and children victims of violence and broken homes. It should be noted that the Center is a private institution of public utility, and is subject to the provisions of and amendments to Decree Law No. 21 of 2006 on private institutions of public utility.

126. The Protection and Social Rehabilitation Center does everything possible to achieve its objectives and boost its role, by the following means:

1. Providing temporary shelter to vulnerable categories;

2. Opening a hotline to receive communications concerning vulnerable categories and provide the necessary social, psychological and legal advice;

3. Providing legal assistance to vulnerable categories who cannot afford it;

4. Running special programmes to empower and rehabilitate women and children victims of violence and broken homes and to reinsert them in society;

5. Raising women's awareness of their rights and duties and strengthening their self-confidence and abilities;

6. Ensuring periodic follow-up to the conditions of vulnerable categories, in accordance with the Center's rules, conditions and guidelines;

7. Collaborating and coordinating with ministries and public bodies and institutions and other government bodies and civil society organizations in order to achieve the objectives of the Center;

8. Holding seminars and training courses on topics of relevance to the objectives of the Center;

9. Issuing bulletins, guidelines and periodicals of relevance to the objectives and competencies of the Center;

10. Raising awareness and educating the public in the fields of relevance to the objectives and competencies of the Center with respect to both theory and practice.

127. The Center receives all women and children that have been subjected to violence from a number of channels, as follows:

1. Cases referred by the Office of the Public Prosecutor;

2. Cases referred by security centres;

3. Cases referred by the health authorities;

4. Cases applying directly to the Center.

128. The Protection and Social Rehabilitation Center provides all types of support to women and children victims of violence, such as protection, rehabilitation, integrated care regardless of the nationality of the victim, whether Qatari or non-Qatari. This is stipulated in article 4 of the amended Statutes of the Protection and Social Rehabilitation Center.

129. The working strategy of the Protection and Social Rehabilitation Center focuses on protecting vulnerable categories from violence and the effects of violence, in addition to providing counselling services and comprehensive treatment and rehabilitation programmes in order to ensure integrated care for vulnerable categories. The Center provides medical and psychological and rehabilitation services, as follows:

- Early medical evaluation of psychological disturbances by means of medical examination and appropriate tests, and the provision of medical and psychological assistance and care;
- Provision of a medical treatment environment which helps the beneficiary to achieve agreed goals and objectives in the treatment plan;
- Psychological treatment and rehabilitation aimed at preventing the disturbance from turning into a chronic medical complaint and from developing complications;
- Placing the case in an environment which encourages the person to agree to join a long-term integrated treatment programme;
- Encouraging cases to continue to discharge their responsibilities both at work and in the family following treatment and rehabilitation, refraining from isolating cases from society, but rather enabling them to solve their own problems by themselves, and helping them to avoid being subjected to violence again;
- Cooperation with the relevant authorities who provide medical and guidance services aimed at advancing women (civil society institutions — Hamad Medical Corporation — first-aid health-care institutions — Association of Diabetic Patients — Social Development Center — Ministry of Administrative Development, Labour and Social Affairs — Qatar Society for the Rehabilitation of Persons with Special Needs — 'Id bin Muhammad Charitable Association — ASPIRE Academy for Sports Excellence — Ministry of Municipalities and the Environment — Qatar Green Center — Girls' Creativity Center — Qatar Charity — Qatar Voluntary Center — Ministry of Awqaf).

130. The Center also provides outpatient consultancy services, which involve careful listening to cases who come to the Center but are not in vulnerable categories. It provides them with consultancy services and guidance to the competent authorities.

Issues contained in paragraph 7 (b) of the list of issues

131. The Protection and Social Rehabilitation Center endeavours to provide legal support and advice and to help vulnerable categories by urging the competent authorities of the State to adopt and develop legislation; it does so by submitting recommendations to the Qatar Foundation for Social Work.

Issues contained in paragraph 7 (c) of the list of issues

132. The Permanent Constitution of Qatar guarantees equal rights and duties to its citizens and proclaims that there shall be no discrimination among them on the grounds of gender, origin, language or religion. With a view to strengthen women's rights, some of the laws that might contain provisions which are discriminatory to women, and these include:

- Women's right to have access to housing benefits, in accordance with the law;
- Gender equality for wages when women perform the same work as men in all governmental and non-governmental sectors;
- Lifting the requirement for the husband's permission for wives to get a passport;
- The law should make men and women equal regarding blood-money for wrongful killing.

133. The State has adopted a practical policy to combat violence against women: it involves establishing independent institutions to fight violence against women and to build awareness and educate the public about the problems of violence against women by holding seminars, public lectures and studies all over the country in governmental and non-governmental social work institutions, including the following:

- Three research studies on the problem of violence against women, as follows:
    - Violence against women in Qatari society;
    - Violence against married women;
    - Violence in the family;
- A number of research papers on violence against women.

134. The Protection and Social Rehabilitation Center offers an integrated programme for rehabilitation, using specialized staff in the rehabilitation of victims of violence against women, aimed at ensuring their recovery and reinsertion in society. The Center provides basic care services (shelter service) by providing shelters for the protection of victims, where they can enjoy recreational and living services and sports activities and take part in national activities and events, day care services such as training and rehabilitation. Rehabilitation services are provided in both individual and collective psychological rehabilitation sessions and individual and collective rehabilitation sessions. These also include medical and nursing services, functional rehabilitation services, and peer support and self-support services. Finally, awareness-building activities and lectures are provided.

135. The Center provides aftercare and continuing care services to ensure social service by means of communication with the family and field visits to the relevant authorities and social follow-up with the individual concerned. The Center communicates with the families of victims by holding meetings, visits and awareness-building lectures in addition to providing reception, referral and guidance services on a regular basis to all cases that come to the Center. Furthermore, it provides outreach services aimed at ensuring rapid intervention and direct guidance to both children and women victims of violence in hospitals and security facilities, and hotline and support services which ensure that vulnerable categories have easier and more rapid access.

136. With regard to legislation, the Qatari Penal Code seeks to end violence against women by criminalizing rape, indecent assault, sexual harassment, and incitement to indecency and prostitution. The punishment is strengthened if the perpetrator is a parent of the victim, responsible for their upbringing or a guardian.

137. On the other hand, the Department of Family Matters in the Ministry of Administrative Development, Labour and Social Matters has competence for the following:

(a) Implementation of national strategies, plans and policies on the family;

(b) Building public awareness of family and social challenges and issues and their impact, means of prevention, including by implementing a number of programmes and training and awareness-building workshops pursuant to the national strategy, plan and policy, Qatar National Vision 2030.

138. It should be noted that in 2015 the Department of Family Matters implemented an awareness-building programme entitled "Rafqan bi-l-qawārīr" (Be gentle with women), to coincide with the International Day for the Elimination of Violence against Women, and a programme entitled "Do not hurt me" for schoolchildren. These programmes are being carried out under the national strategy for Qatar National Vision 2030 and the strategy for family cohesion and empowerment of women.

Issues contained in paragraph 8 (a) of the list of issues

139. The security branches of the Ministry of the Interior in Qatar, in accordance with their competencies, seek to prevent and control public crime and to investigate and gather evidence, including on offences of human trafficking in accordance with the relevant laws, such as the Code of Criminal Procedure, the Penal Code, and the Law against Human Trafficking. As soon as those procedures have been completed, if there is any suspicion of offences relating to human trafficking, the Office of the Public Prosecutor is notified in its capacity as an independent judicial authority responsible for criminal prosecution and society, and the Office of the Public Prosecutor in turn undertakes all investigations and takes whatever measures are required by law in that regard.

Issues contained in paragraph 8 (b) of the list of issues

140. The members of the police force charged with law enforcement do not deal with victims of human trafficking as perpetrators, but rather as victims needing protection, within the framework of the Code of Criminal Procedure and Law No. 15 of 2011 on Combating Human Trafficking, article 4 of which provides that, "Victims of human trafficking offences shall not themselves be subject to criminal or civil liabilities arising from that crime so long as these liabilities directly relate to that human trafficking offence."

141. Article 5 of the same law provides that, "The competent authorities shall guarantee the protection and the physical and psychological wellbeing of the victims of human trafficking offences and shall provide them with appropriate medical, educational and social care such that these victims are able to be socially rehabilitated and integrated in a manner congruent to their needs, human dignity, age and gender. The competent authorities shall, in cooperation and coordination with the victims' homelands, or with countries, in which the victims have a permanent residence, ensure their safe return."

142. Article 6 of the same law provides that, "The following rights of victims shall be guaranteed by the competent authorities:

1. The right to protect their inviolability and identity;

2. The opportunity to state their position and to be recognized in accordance with this position;

3. The right to counselling with regard to their rights, and the right to be kept informed of the judicial and administrative procedures in which they are involved;

4. The right to remain in the state's territory until the conclusion of legal investigations and any subsequent trial;

5. The right to access legal assistance including the counselling of an attorney;

6. The right to appropriate remedy for damages suffered;

7. The right of protection and security."

Issues contained in paragraph 8 (c) of the list of issues

143. The Constitution of Qatar, in article 46, guarantees the right of individuals to address public authorities. The Code of Criminal Procedure and the Law on Combating Human Trafficking also guarantee that: article 31 of the Code of Criminal Procedure provides that, "The law enforcement officers shall accept reports and complaints received about offences, and submit them immediately to the Office of the Public Prosecutor." It should be noted that the security branches of the Ministry of the Interior provide numerous means for obtaining redress or lodging complaints to all victims and for investigating such cases. The Ministry of the Interior has specialized staff to receive complaints, both officers and individuals, and also interpreters, social researchers and legal consultants.

Issues contained in paragraph 8 (d) of the list of issues

144. The Code of Criminal Procedure and the Law on Combating Human Trafficking guarantee the right to have access to effective means of redress and to obtain compensation. Article 19 of the Code of Criminal Procedure provides that, "Whoever suffers direct personal damage from the crime may claim civil rights against the suspect during the investigation or before the court considering the criminal action at any stage of the action up to the closing arguments. The same shall not be permitted before the Court of Appeal." Article 6 of the Law on Combating Human Trafficking provides that, "The competent authorities shall guarantee that the victims may receive appropriate compensation for the damage they may have incurred." Law No. 22 of 2004 on Promulgation of the Civil Code, in articles 199-219 guarantees the provision of compensation to victims. Similarly, the provisions of Law on Civil and Commercial Litigation guarantee access to courts and to litigation to enable victims to obtain the said compensation.

Issues contained in paragraph 8 (e) of the list of issues

145. The esteemed Council of Ministers, at a regular meeting held in October 2015, agreed to establish a National Committee to Combat Human Trafficking, chaired by the Ministry of Administrative Development, Labour and Social Affairs, with representatives of concerned state bodies as members. The terms of reference of the Committee include preparing a national plan for combating human trafficking, and preparing and disseminating an annual report on the efforts of Qatar to combat human trafficking.

Article 3

Issues contained in paragraphs 10 (a) and (b) of the list of issues

146. Article 58 of the Qatari Constitution provides that, "Extradition of political refugees is prohibited; and the law shall determine conditions of granting political asylum." Furthermore, His Highness the Emir of Qatar reaffirmed, in his address to the General Assembly of the United Nations at its 71st session in 2016 in New York, that human rights should be respected, protected and strengthened as one of the mainstays of the principles and objectives of the United Nations and on the basis of Arab and Islamic principles and values. Qatar is keen to translate its commitments in this regard into practice at the national and international levels in order to uphold individual and collective rights and strengthen human rights worldwide. In this connection, His Highness the Emir reaffirmed in his address that the problem of refugees was a global challenge at present, and that it was incumbent upon the international community to stand together and cooperate in joint endeavours to overcome the causes of refugee movements and to protect refugees. Qatar considers that the provision of aid and assistance is an urgent humanitarian duty which must be shouldered. Qatar development assistance and aid extends to more than 100 countries worldwide. Qatar continues to coordinate with governmental and non-governmental organizations to provide relief and development assistance. Qatar also provides support to more than10 million children worldwide, and provides capacity-building to 1.2 million young Arabs to enable them to become effective and productive in their communities. Against this backdrop, in the five years since 2011, the value of aid

provided by Qatar has multiplied by a factor of three, rising to a current level of QR 13 billion.

147. Despite the fact that Qatar is not a party to the 1951 Refugee Convention and its 1967 Protocol, in accordance with international law, Qatar observes the basic protection standards laid down in the Convention, which is part of customary international law.

148. In addition, Qatar plays an important and effective role in supporting refugees at both the regional and international levels, especially in view of the increase in natural disasters and wars.

149. Qatar participates in the work of the Joint Committee of Experts and Representatives of Ministries of Justice and the Interior in Arab Countries in order to discuss the Arab Convention on Regulating the Status of Refugees.

150. Qatar held a high-level side event on the margins of the twenty-eighth session of the Human Rights Council in March 2015 on refugees' education in emergencies. The side event highlighted the importance of providing educational services as an optimum solution for helping refugees and their families to build new lives.

151. The charity Reach Out to Asia (ROTA), a non-profit organization established in 2005, plays an important role in supporting refugees and providing them with alternative opportunities. The charity seeks to create a world in which all young people enjoy the right to the education they need, in order to realize their full capacities and to chart the type of development that their communities need. ROTA pursues a well-defined mission in order to ensure that victims of natural disasters in Asia and worldwide receive continuing opportunities for good-quality scientific studies. ROTA works in 10 different countries in Asia, including Qatar. The organization involves young people and other community members in meeting development challenges at the national and global levels. We recall here a non-exhaustive selection of activities the charity has pursued in support of refugees in recent years:

- Provision of material support worth QR 1 million to a programme for the construction of sports facilities and installations in two Palestinian refugee camps in October 2016, with a view to enhancing the lives of Palestinian refugee children in Lebanon;
- Work on a programme entitled Developing Non-Conventional Education for Palestinian Refugee Children in Northern Lebanon, in cooperation with American Near East Refugee Aid (ANERA), in furtherance of charity work by ROTA in an-Nahr al-Bared refugee camp for Palestinian refugees since 2010. There are plans to enable 5,000 Palestinian refugees to use this centre. This initiative will help to give the children a feeling of security.

152. The following table shows the aid provided to refugees from the Qatar Development Fund:

Date	*Purpose of payment*	*US$*	*QR*
07/02/2013	Support for accommodation for Syrian refugees in Jordan	2 747 253	10 000 000
20/11/2013	Support for accommodation for Syrian refugees in Jordan	274 725	1 000 000
26/12/2013	Humanitarian assistance to Syrian refugees in cooperation with the United Nations	33 856 000	123 235 840
12/03/2014	Support for accommodation for Syrian refugees in Jordan	412 088	1 500 000
02/10/2014	Support for accommodation for Syrian refugees in Jordan	36 150	131 587
23/10/2014	Contribution to the humanitarian assistance fund in Turkey for Syrian refugees	20 000 000	72 800 000
02/12/2014	Support for accommodation for Syrian refugees in Jordan	412 088	1 500 000
11/12/2014	Support to the international food security organization	2 000 000	7 280 000
02/02/2015	Assistance to Syrian refugees from the Qatari Ministry of Foreign Affairs	1 001 374	3 645 000

Date	*Purpose of payment*	*US$*	*QR*
12/02/2015	Purchase of emergency foodstuffs from China for Syrian refugees	363 782	1 324 167
24/02/2015	Support for accommodation for Syrian refugees in Jordan	1 373 626	5 000 000
24/07/2016	Third payment to UNWRA for assistance to Palestinian refugees	1 000 000	3 640 000
24/07/2016	Support to UN OCHA for assistance to Syrian refugees	5 000 000	18 200 000
01/05/2016	Construction of shelters for Yemeni refugees in Djibouti	1 216 538	4 428 199
02/06/2016	Assistance to Yemeni refugees in Djibouti through the Qatari Embassy in Djibouti	40 000	145 600
07/02/2013	**Total**	**69 733 624**	**253 830 393**

153. The Department of Liaison with Arab and International Police of the Ministry of the Interior hands over wanted persons under guidelines and legal conditions laid down in the Code of Criminal Procedure, which provides guarantees for the rights of persons to be extradited and their right to appeal against such a decision. It also provides for cases in which persons shall not be extradited "If there are serious reasons to believe that the extradition request is submitted for the purpose of punishing the person for considerations related to race or religion or political opinion." Chapter Two of Book Five of the Code of Criminal Procedure guarantees these guidelines and conditions.

Articles 5 and 7

Issues contained in paragraph 13 of the list of issues

154. There has been no request from a third State for the extradition of a person suspected of having committed an offence of torture.

Issues contained in paragraph 14 of the list of issues

155. Article 13 of the Penal Code provides that, "The provisions of the present Law shall apply to any person who commits, within the jurisdiction of the State of Qatar, an offence stipulated therein.

156. An offence shall be deemed to have been committed within Qatar jurisdiction, if one of the offence constituent acts or if the consequence of that act is realized or is intended to be realised thereof."

157. Article 14 of the same law provides that, "The provisions of the present Law shall be applicable to offences committed or omitted onboard ships and airplanes registered in, or owned, or bearing the flag of the State of Qatar, irrespective of wherever they are physically located."

158. Article 15 of the Penal Code provides that, "Without prejudice to the agreements and conventions to which the State is a party, the provisions of this Law shall not apply to the offence committed onboard foreign ships and airplanes in or passing through the territory of the State unless the offence is against national security, or the defendant or plaintiff is of Qatari nationality, or if assistance is requested by the captain or the pilot, from the Qatari authorities."

159. The Qatari Penal Code refers to the principle of universality in articles 16 and 17. However, the law specifies the offences that are subject to the principle of universality, indicating that the provisions of the present law shall apply to whoever commits or participates in the commission of one of the following offences outside the State of Qatar:

1. Offences against the external or internal national security;

2. Offences relating to the forgery or counterfeiting of official documents, government seals, marks, or stamps;

3. Forgery or falsification or counterfeiting of any currency notes or coins in legal circulation in Qatar;

4. Possession or distribution of such forged, falsified or counterfeited currencies;

5. Also to whoever is in Qatar after having committed abroad, as a perpetrator or an accomplice, any offence relating to trafficking in drugs;

6. Offences of trafficking in humans;

7. Offences of piracy;

8. Offences of international terrorism.

160. Therefore, the offence of torture is not completely subject to universality since Qatari law specifies which offences are subject thereto with respect to the place committed and whether the perpetrator of the offence of torture was outside Qatar and returned to Qatar; if he committed it outside Qatar, it is in practice considered to be an offence or a felony in Qatari law, and the act is punished on the basis of the law of the country where it was committed and shall be punished in accordance with the provisions of Qatari law.

Article 10

Issues contained in paragraph 15 (a) of the list of issues

161. The Department of Human Rights of the Ministry of the Interior in Qatar has endeavoured to place the issue of combating torture, in the framework of criminal procedure, at the top of its priorities, as part of its efforts to disseminate a human rights culture in Qatari security circles, so as to ensure that the performance of members of the police force is based on legitimacy and respect for human rights. They should also take care not to subject suspects, in their efforts to control and investigate crime or gather evidence of crime, to any kind of harm or arbitrary or undignified treatment; these concepts are stressed by the Department in the training activities it organizes, including:

- Quality training workshop on human rights for prisoners and detainees, combating torture, fighting human trafficking, human rights in police work, international humanitarian law, human rights for police according to the model of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for police training in human rights, with a total of eight workshops held in cooperation with:
    - United Nations Human Rights Training and Documentation Centre, Doha;
    - International Committee of the Red Cross (ICRC), regional delegation, Kuwait;
    - Human Rights Department, Ministry of Foreign Affairs and OHCHR, Beirut;
    - Qatari Foundation to Combat Human Trafficking;
    - Qatari Red Crescent;
    - Police Training Institute;
- Training modules administered in departments of the Ministry of the Interior on human rights in police work, laying special emphasis on that issue in the work of these departments, including juvenile police, passports, penal and correctional institutions, traffic, emergency services, airport security, airport clearance, southern [border] security, and criminal investigations, with 14 modules administered;
- Public lectures on the twin topics of human rights and combating human trafficking, held by members of the Training Department of the Police Training Institute for military and civilian members of the police force, both men and women. Study groups have also been held on the police curriculum at Ahmad bin Muhammad Military College, with more than 250 public lectures between 2006 and 2016;
- Training courses for workers in the legal and judicial fields, including deputy judges and deputy public prosecutors, legal researchers, trainee lawyers, participants in

courses at the Centre for Legal and Judicial Studies in the Ministry of Justice; the training courses dealt with the topic of human rights in police work, with special emphasis on the theoretical and practical work of the Human Rights Department, in 2013 and 2014 with 200 trainees.

162. The Police Training Institute runs an annual training programme which includes training and awareness-building programmes and workshops for all military and civilian staff of the Ministry of the Interior, on the following topics:

- Human rights in police work;
- Human rights in the Permanent Constitution of Qatar;
- Managing security postures within the framework of human rights.

163. There have also been specialized programmes of relevance to human rights, including:

- Dealing with detainees: human rights with respect to the arrest of individuals;
- Stop and search procedures: penal implementation in the light of human rights and law enforcement.

164. These topics and programmes are implemented by the scientific body of the Institute and experts from the Ministry of the Interior in addition to experts from the British Police Academy, the American Training Agency, Fairfax, and experts from Northern Ireland and the Australian police.

165. The Centre for Legal Studies and Consultancy of the Ministry of Justice offers obligatory specialized training programmes and capacity-building for legal and judicial staff and members of the Office of the Public Prosecutor, jurists, law enforcement officers, and lawyers in various legal fields of relevance.

166. The Centre includes topics relating to human rights and international law in all its obligatory programmes aimed at assistant judges and public prosecutors, jurists and lawyers in training; the Centre devotes a minimum of 20 training hours to those courses.

167. The Centre runs specialized training programmes of a minimum of 20 hours each to train vulnerable categories in these subjects, bearing in mind that the said programmes deal with the subject of combating torture in times of peace and war.

Issues contained in paragraph 15 (b) of the list of issues

168. The Hamad Medical Corporation provides an environment filled with respect, justice and humanity to all patients, visitors and staff. Insults, neglect and ill-treatment are counter to the legitimate rights of children, adults and vulnerable individuals. The Corporation therefore endeavours to strengthen its environment and ensure that it is free from indelicate sexual remarks or requests for sexual services in addition to verbal or physical behaviour leading to sexual harassment whether on the part of representatives of the Hamad Medical Corporation or their families or visitors or staff. The Corporation obliges all service providers of the Corporation to observe the laws of Qatar, which require people to report any suspicion of cases involving ill-treatment or neglect of children, adults or vulnerable categories. The Corporation holds an annual training course for all staff of the Social Services Department, in addition to training programmes for all paediatricians to enable them to recognize victims of torture among children.

Issues contained in paragraph 15 (c) of the list of issues

169. The training authorities in the Qatari Ministry of the Interior measure the impact of training activities on the performance of participants in such training, by means of well-organized methodological studies, including:

- Questionnaires for participants on:
    - How much they benefited from the training courses they took;

- The improvement observed in their knowledge, capacities and skills after an appropriate lapse of time following the training courses;
- The results of applying the training and how much they benefited from the acquired skills;

- Survey of the reactions and opinions of immediate supervisors regarding the extent to which staff benefited from these courses, and their impact on enabling staff to complete the tasks assigned to them with requisite competence.

170. The Training Unit of the Department of Human Resources in the Ministry of the Interior undertook, between 2013 and 2016, three studies which demonstrated the effectiveness of the training workshops in improving the knowledge and skills of participants, and noticeable progress in their security performance with regard to criminal procedure in accordance with international human rights standards.

Article 11

Issues contained in paragraph 16 of the list of issues

171. The issues contained in paragraph 16 of the list of issues were answered above, in the reply concerning paragraph 2 of the list of issues.

Issues contained in paragraph 17 of the list of issues

172. The Qatari Ministry of the Interior devotes great attention and care to combating torture or ill-treatment, within the framework of legal procedures adopted by law enforcement officers and police officers when dealing with suspects, at the stages of gathering evidence and proof of the offences they are investigating and also with respect to all reports and complaints relating to the commission of offences. This policy is based on respect for human beings and preservation of their dignity on the basis of the Code of Criminal Procedure, which provides a legal framework for the work of law enforcement officers. Exemplifying this principle, article 40 of the Code of Criminal Procedure provides that, "No person shall be arrested or detained save pursuant to an order issued by the competent authorities, and in the cases prescribed by the law. The arrested person shall be treated in such a way that maintains his human dignity, and shall not be harmed physically or morally. The law enforcement officer shall remind the suspect of his right to remain silent and to communicate with any persons he so wishes." One of the applications of criminal justice is the possibility for all non-Arab nationals of making use of an interpreter to translate their statements once they have sworn the legal oath when being investigated. Furthermore, all investigation procedures are considered confidential: article 73 of the Code of Criminal Procedure provides that, "The investigation procedures results shall be considered as confidential. Public Prosecution members and their assistants, clerks, experts and others who participate in or are involved in the investigation because of their jobs or their professions, shall not disclose such confidential information. Any person who violates the provision of this Article shall be subject to the penalty prescribed for the crime disclosing confidential information in the Penal Code."

173. In compliance with criminal justice, the Code provides, as a legal guarantee for the accused, that the person undertaking the investigation shall allow the lawyer to examine the investigation in order to ascertain the charges brought against his client so that he may defend him. Article 102 of the Code of Criminal Procedure provides that, "The suspect's attorney shall be enabled to review the investigation, at least one day prior to the examination or confrontation unless the member of the Office of the Public Prosecutor considers otherwise. In all cases, the suspect shall not be separated from his attorney present with him during the investigation." One of the basic principles of the guarantee of freedom of the accused or suspects is that the judicial work of the law enforcement officers and the investigation undertaken by the member of the Office of the Public Prosecutor must be under the supervision of the Public Prosecutor. Article 28 of the Code of Criminal Procedure refers to that right in providing that, "The law enforcement officers shall be affiliated to and subject to the supervision of the Public Prosecutor with regard to judicial

control. Should the law enforcement officer violate or breach the duties of the job, the Public Prosecutor may order a competent authority to which a law enforcement officer is affiliated, to consider his case. The Public Prosecutor may request initiation of disciplinary action against the law enforcement officer, without prejudice to the criminal action."

Articles 12 and 13

Issues contained in paragraphs 18 (a) and (b) of the list of issues

174. The laws guarantee detained persons the right to lodge complaints relating to the conditions of their detention. It should be noted that there is a set of guidelines on the rights of detainees and a disciplinary code in a number of languages in the detention headquarters in each police district.

Article 14

Issues contained in paragraphs 20 (a) and (b) of the list of issues

175. The Department of Labour Relations in the Ministry of Administrative Development, Labour and Social Affairs in Qatar has a number of official functions, including:

- Receiving, registering, and examining labour complaints and disputes;
- Building awareness among workers and employers of the provisions of labour laws, and providing advice thereon;
- Seeking to resolve disputes between workers and their employers in the private sector, or referring them to the courts if it proves difficult to resolve them amicably, in accordance with the laws and regulations in force;
- The Labour Inspection Department in the Ministry of Administrative Development, Labour and Social Affairs in Qatar has a number of official functions, including:
    - Monitoring the implementation of labour laws and the general plan for labour inspections;
    - Undertaking regular and surprise inspections of workplaces to ensure that labour laws and their application decisions are implemented.

176. Qatar seeks the rapid resolution of labour disputes and endeavours to simplify procedures. The Ministry of Administrative Development, Labour and Social Affairs is bound to rule on labour disputes and complaints within one week of the lodging of the complaint, and to enable workers to exercise their legal rights, in accordance with article 6 of the Law on Civil and Commercial Litigation, Law No. 13 of 1990, and article 64 of the Labour Law, Law No. 14 of 2004.

177. The esteemed Council of Ministers, at a regular meeting held in October 2016, agreed to a draft law to amend some of the provisions of the Labour Law, Law No. 14 of 2004. The draft law had been prepared with a view to ensuring workers' rights and simplifying litigation in labour disputes. One of its provisions concerned the establishment of one or more committees in the Ministry of Administrative Development, Labour and Social Affairs in order to resolve labour disputes, to be presided by a judge of a court of first instance to be selected by the Supreme Judiciary Council, and with two ministry employees as members, to be proposed by the minister from among experts in accountancy. This Committee shall rule, as a matter of urgency, within no more than three weeks, on disputes arising from the provisions of the Labour Law or from work contracts which are referred by the relevant department to the Committee if the dispute is not resolved amicably. The parties may appeal against the final decisions handed down by the Committee to the Labour Dispute Appeals Committee, which shall be presided by a judge of an appeals court to be selected by the Supreme Judiciary Council, with two members proposed by the minister, within 15 days of the issuance of the decision by the Committee, if its decision was pronounced in the presence of the parties, or from the date of the announcement of the decision if it was in absentia. The final decisions of the Committee shall have expedited

enforceability, and no authority other than the Committee for the Resolution of Labour Dispute Appeals may halt the implementation of its decisions.

178. Qatar has provided a number of apparatus for electronic self-service by which workers may lodge complaints with the relevant department, which makes things easier for workers located away from the city of Doha. The electronic complaint form has been translated into 10 of the main languages spoken by workers in Qatar.

179. Qatar has established offices of the Ministry of Administrative Development, Labour and Social Affairs in various parts of the country to provide services needed by immigrant workers. Complaints are resolved in the ministry between workers and employers by calling in the employer and asking both parties to attend. The legal aspects are explained to both parties, as are the rights which the employer is bound to grant to the worker, as well as the duties of the worker towards the employer.

180. The Ministry of Administrative Development, Labour and Social Affairs has launched a hotline service to receive complaints by telephone and email and to respond immediately to queries from workers. The Ministry received more than 20,000 queries through this hotline in 2015, and they were referred to the relevant departments. Accounts were opened on the social media to facilitate communication between workers and the competent authorities and to ensure that they receive the information they need.

181. As noted above, Qatar has established competent judicial offices to rule on labour complaints with a view to getting rapid decisions when examining such complaints. All complaints lodged by workers or their inheritors requesting enforcement of their rights arising from the provisions of the Labour Law or from work contracts are examined rapidly and are exempt from judicial duties pursuant to article 10 of the Labour Law, Law No. 14 of 2014.

182. An office of the Ministry of Administrative Development, Labour and Social Affairs has been established in Qatari courts in order to help workers wanting to lodge judicial complaints; this office provides its services free of charge.

183. Qatar seeks to update its laws guaranteeing migrant workers all their legal and contractual rights, on the basis of articles 21 and 22 of Law No. 21 of 2015 Regulating the Entry, Exit and Residence of Expatriates. These provisions authorize the minister or his deputy to transfer temporarily the service of the worker, if there is a labour complaint between him and his employer, and to authorize the transfer of the service of the expatriate worker, to whom the Labour Law does not apply, to another employer, if the arbitrariness of the employer is substantiated, or to authorize the transfer of the service of the worker, if that is in the public interest. For the same reasons, with the agreement of the minister or his deputy, and pursuant to a request from the worker and with the authorization of the Ministry of Administrative Development, Labour and Social Affairs, it shall be allowed to transfer the service of the worker to whom the Labour Law applies to another employer, provided that he maintains all the rights prescribed in the law.

184. The Labour Inspection Department inspects workplaces to ensure the application of the Labour Law and ministerial decisions implementing it, in order to guarantee that migrant workers are able to exercise all their financial rights and that health and safety conditions are provided in their places of work and residence.

185. The Office of the Public Prosecutor has established an office for the rehabilitation of released prisoners as a pioneering community initiative using a high-performance and highly professional training and rehabilitation methodology. The office seeks to rehabilitate released prisoners and reinsert them in the community after they have served their sentence, in cooperation with the relevant Qatari authorities. The office prepares programmes for the reinsertion of released prisoners once they have served their sentence.

186. This decision is aimed at ensuring that Qatari society is a modern one, which addresses social phenomena wisely and progressively, that reform and rehabilitation are applied in tandem with the economic, social and cultural advancement under way in the country in all fields, and that no aspect which may lead to an escalation of the pace of development is neglected. The active partners in this office will be the Ministry of the Interior and the Ministry of Administrative Development, Labour and Social Affairs.

187. The office has a number of objectives, such as moderating the outlooks of individuals, refining their disposition, requalifying them for ordinary life, bringing them back to respecting order and complying with the guidelines of society, which include laws, customs and traditions.

188. The establishment of the office is an initiative by the Office of the Public Prosecutor since rehabilitation means helping a person and his service to recover the abilities and powers that he lost when he was living in isolation from the community, and to recover or acquire new skills for his post-prison life. The office prepares ongoing studies for prisoners who spend time in prison to gauge the impact of prison on them and to help them to be reinserted in the community by providing awareness-building, cultural, educational, and religious programmes in prison itself.

Issues contained in paragraph 20 (d) of the list of issues

189. The Hamad Medical Corporation determines the immediate needs of the victim, and transfers him from an environment of violence to a different environment to avoid being subjected to further attacks. A confidential and private place needs to be identified. The social worker also needs to inform the victim and the family that the law requires them to report ill-treatment and what to do when the medical team is informed about the ill-treatment. The health-care provider may report the case to the police if the social worker is not present.

190. Health-care providers must:

1. Refrain from expressing their shock or criticizing the victims or their family members, families, guardians and close relatives;

2. Use simple, clear vocabulary when discussing the various parts of the body;

3. Avoid using any tendentious expressions which may distort information;

4. Stress to the victim and his family or legal guardian that they have done what they could in correct fashion and that the ill-treatment that occurred was not because of a mistake on their part and that they should not be blamed;

5. Provide continuous care and an environment conducive to treatment, form a relationship with the child victims' guardians and with vulnerable categories;

6. Provide appropriate activities for the child victims in the presence of nurses and adults and other children;

7. Deal with the child or the adult as a person who has physical needs, developmental tasks, and an interest in playing, and not deal with him as a victim of ill-treatment.

191. There needs to be follow-up with the victim and his family before they leave the hospital regarding the medical advice provided by the social worker.

192. On the other hand, the rehabilitation services provided by the Qatar Foundation for Social Work in this regard consist of psychological assessment and intervention with the victim by applying psychological treatment protocols, including:

- Protocol to increase motivation;
- Protocol to treat family violence (physical or moral);
- Protocol for family rehabilitation for victims of sexual harassment:
- Protocol for rehabilitation of victims of sexual harassment and psychological rehabilitation to curb psychological disturbances stemming from various types of violence.

Article 15

Issues contained in paragraph 21 of the list of issues

193. Qatari legislation includes clear texts about not relying on statements which have been shown to have been made as a result of torture, duress or threat. Article 232 of the Code of Criminal Procedure provides that any statement proved to have been obtained as a result of torture shall not be relied upon, and that, "The judge shall decide the case according to the belief he has arrived at with his full discretion. Nevertheless, he shall not base his judgment on any evidence not presented before him in the hearing or illegally obtained. Any statement proved to be obtained by the suspect or witnesses under duress or threat shall not be relied upon."

194. Qatari legislation criminalizes and punishes the use of torture for the purpose of obtaining a confession to an offence. Article 159 of the Qatari Penal Code provides that, "Whoever being a public servant, uses force or threat against an accused person, witness or expert or ordered to force the accused, a witness or an expert to admit to having committed a crime or give statements or information or withholds information in respect thereof, shall be punished with imprisonment for a term not exceeding five years. The penalty shall be imprisonment for a term up to ten years should the use of use of force lead to permanent disability. The penalty shall be capital punishment or life imprisonment should the use of use of force lead to death of the victim."

195. It is also prescribed that a reliable confession must be made voluntarily, which would not be the case if made under torture, duress or threat or fear of some illegitimate matter, even if true. Any confession obtained in such fashion does not have legal effect.

196. The Court of Cassation, which is the Supreme Court of Qatar, in a number of judgements has ruled that a confession shall not be relied upon — even if truthful — if it is the fruit of duress of whatever sort.[16]

197. That was reaffirmed by the Court of Cassation in another ruling, in which it maintained that a plea of nullity of a confession was a crucial plea which the court concerned must debate and give a warranted response to if the sentence relied on as long as the decision to convict relied on this confession and if the sentence ignored the response to the plea of nullity on the grounds that the confession was obtained through duress, then it may have infringed one of the rights of the defence and was deficient in its motivation, which made it necessary to bring an appeal for cassation without debating the other evidence cited in the case.[17]

Article 16

Issues contained in paragraphs 22 (a) and (b) of the list of issues

198. The Constitution and relevant laws ensure protection for human rights defenders. Article 36 of the Constitution provides that, "Personal freedom shall be guaranteed and no person may be arrested, detained, searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law; and no person may be subjected to torture, or any degrading treatment; and torture shall be considered a crime punishable by law."

199. It should also be noted that the amendments made to the law regulating the work of the National Human Rights Committee strengthened the independence of the Committee and endowed it with the necessary legal guarantees for it to pursue its mandate. Those amendments stressed that, "The National Human Rights Committee shall enjoy complete independence in the pursuit of its activities. No member of the Committee shall be held criminally or morally responsible for the opinions or statements he expresses before the Committee or its subcommittees on matters coming within its sphere of competence. Nor shall it be allowed, except in cases of flagrante delicto, to enter the headquarters, branches

[16] Cassation No. 346 of 2013, criminal cassation; Cassation No. 375 of 2014, criminal cassation.

[17] Cassation No. 174 of 2014, criminal cassation.

or offices of the Committee or to inspect any of them other than in the presence of at least a public attorney, on the basis of a warrant from the competent judge."

Issues contained in paragraph 23 (a) of the list of issues

200. Domestic workers shall enjoy legal and police protection on the basis of article 52 of the Constitution, which provides that, "Every person who is a legal resident of the State shall enjoy protection of his person and property in accordance with the provisions of the law."

201. The provisions of the Penal Code, which forbid and punish offences of harming and general offences against the physical integrity of domestic workers, guarantee protection against any violations such as torture or ill-treatment, whereas the Constitution guarantees individuals, whether citizens or residents, a right to resort to the law, in accordance with article 135 of the Constitution, which provides that, "The right of litigation is inviolable and it shall be guaranteed to all people. The law shall specify the procedures and manner of exercising this right."

202. Domestic workers are covered by this right, and they may resort to litigation in its various forms and levels in order to enforce their rights.

203. Domestic workers are covered by police protection by means of the services of the security apparatus, which seek to prevent and control ordinary crimes committed against all individuals, citizens or migrants, including offences of harm, torture and ill-treatment.

204. On the other hand, the Ministry of Education and Higher Education seeks to prevent physical punishment in schools, by means of provisions included in its policy on behavioural assessment of pupils in independent schools; article 8 stipulates that one should avoid using non-educational methods to deal with behavioural infractions and that all forms of physical or psychological harm should be prevented.

205. Qatar understands the great need to reorganize the process of attracting domestic workers and arranging work for them, to bring that process in line with internal developments and harmonize it with the needs of citizens for this class of workers, in response to developments at the international level in this regard, and first and foremost the adoption of the International Labour Organization (ILO) Convention concerning Decent Work for Domestic Workers and its recommendations thereon at the 100th session of the International Labour Conference in May 2011.

206. Against this backdrop, a draft law on domestic workers is now being examined to be compatible with the provisions of the Convention and international labour standards; the draft law is still under consideration.

207. With regard to the rules governing the employment of domestic workers, despite the fact that this category is not covered by the scope of the Labour Law, they are subject to the provisions of civil law, which regulates contractual relations with employers, and model contracts are annexed to the bilateral conventions signed between Qatar and the countries that send workers.

208. The Ministry of Administrative Development, Labour and Social Affairs approves the contracts of domestic employees despite the fact that they are not covered by the provisions of the Qatari Labour Law. This is done in order to preserve their rights, which are specified in those contracts. The Ministry also monitors the work of recruitment offices for domestic workers and inspects them periodically with surprise inspections to verify that there is no exploitation of these workers and to ensure their rights. In 2015, 17 recruitment offices for domestic workers were closed because of their infractions of the Labour Law and the ministerial decision regulating the work of those offices.

209. With regard to criminal protection, this is regulated by the Qatari Code of Criminal Procedure adopted in Law No. 11 of 2004, which ensures protection in this regard. Any person who behaves badly towards female domestic workers shall be punished. Those workers shall be protected from physical harm, harsh treatment and economic exploitation. There is a team composed of staff of the Ministry of Administrative Development, Labour and Social Affairs and the Ministry of the Interior to ensure constant liaison regarding the

affairs of domestic workers in particular and to discuss the best possible ways of ensuring that their rights are protected.

Issues contained in paragraph 23 (b) of the list of issues

210. Law No. 21 of 2015 Regulating the Entry, Exit and Residence of Expatriates was adopted on 27 October 2015. Pursuant to this law, the system of *kafāla* (sponsorship) was abolished and replaced by work contracts. The so-called boss (*rabb al-'amal* "worklord") was replaced by an employer. The new law authorizes the migrant worker to move to another employer after expiry of a fixed-term work contract. The maximum length of a contract is five years, according to article 40 of the Labour Law. With non-fixed-term work contracts, the migrant worker is allowed to move to a new job after five years of his appointment.

211. The law also abolishes the need for authorization to leave the country. The worker is permitted to leave by requesting an exit permit from the relevant government authority, without applying to the employer. The law was published in the Official Gazette and will enter into force one year from the date of that publication.

212. With regard to the State's plans to seek technical assistance from ILO and OHCHR, there is a project for technical cooperation with ILO on a decent work strategy, which is aimed at getting technical assistance from ILO to strengthen Qatar's efforts to improve the conditions of its migrant workers. The Council of Ministers has recently formed a working group to study this strategy.

Issues contained in paragraph 23 (c) of the list of issues

213. The Complaints Unit of the Department of Human Rights of the Ministry of the Interior, as part of its official functions, receives complaints from migrant workers, the majority of which concern requests to move from one employer to another, either permanently, pretexting the arbitrariness of their employer as measured against numerous standards, or temporarily, where there are cross requests or lawsuits between the two parties, until such time as a definitive decision is taken on the dispute by the relevant court. The number of complaints received by the Department was 1,266 in 2014, and 1,900 in 2015.

214. The Ministry of Administrative Development, Labour and Social Affairs has prepared statistics on the number of complaints from workers in the period between 1 January and 22 June 2016, which come to 1,897 complaints from workers, as follows:

Workers' complaints from 1 January to mid-June 2016,

According to outcome of the complaint

Outcome of the complaint	*Number of workers' complaints*
Resolved	992
Dismissed	599
Referred to the courts	287
Discussion and follow-up	2
Under examination	17
Total number of complainants	**1 897**

According to reason for the complaint

Main reason for the complaint	*Number of workers' complaints*
Travel tickets	1 677
Leave allowance	1 647
End-of-service grant	1 603

Main reason for the complaint	*Number of workers' complaints*
Delayed wages	1 600
Additional wages	42
Work injury	17

215. On the other hand, in the period from 1 January to 22 June 2016, the Ministry of Administrative Development, Labour and Social Affairs undertook a total of 21,012 labour or health and safety inspections:

Labour inspections from 1 January to mid-June 2016

I. According to the outcome of the inspection

	Type of inspection		
Outcome of the inspection	*Labour*	*Health and safety*	*Total visits*
Acceptable	6 571	3 800	10 371
Warning to halt an infraction	7 453	2 031	9 484
Minutes	478	140	618
Prohibition	186	353	539
Total number of inspections	**14 688**	**6 324**	**21 012**
Number of facilities inspected	11 529	2 473	

II. According to the type of premises inspected

	Type of inspection		
Type of premises inspected	*Labour*	*Health and safety*	*Total visits*
Facility	14 688	699	15 387
Worksite	–	3 648	3 648
Housing	–	1 494	1 494
Not specified	–	483	483
Total number of inspections	**14 688**	**6 324**	**21 012**

Issues contained in paragraph 24 of the list of issues

216. With regard to the punishment of flogging, it should be noted that the provisions of Law No. 3 of 2009 Regulating Penal and Corrective Institutions contained no text on disciplinary flogging, which was provided for in Law No. 3 of 1995 Regulating Penal and Corrective Institutions, which was superseded by the said Law No. 33 of 2009. Similarly, the Code of Behaviour in Schools prohibits physical punishment.

Issues contained in paragraph 25 (a) of the list of issues

217. Qatar has devoted particular attention to the family and the child, which has taken the form of a national legislative umbrella. The Qatari Constitution devotes special attention to the family and the child as one of the mainstays of Qatari society, and this has resulted in constitutional protection for the family. Qatari constitutional legislators have specifically included protection of and care for children in the Constitution, in accordance with new developments and commitments on the part of Qatar in conventions on children's rights, including the 1989 Convention on the Rights of the Child.

218. Article 21 of the Constitution refers specifically to such protection: "The family is the basis of society. A Qatari family is founded on religion, ethics, and patriotism. The law shall regulate adequate means to protect the family, support its structure, strengthen its ties, and protect maternity, childhood, and old age." Article 22 of the Constitution provides that,

"The State shall provide care for the young, and protect the same from corruption, exploitation, and the evils of physical, mental and spiritual neglect. The State shall also create conducive circumstances for developing their capabilities in all fields based on sound education." In the light of these legislative moves, the State ratified the Convention on the Rights of the Child by virtue of Emiri Decree No. 54 promulgated on 12 July 1995, which means that the State is bound to harmonize its laws with legislation on children and the provisions of that Convention. In that connection, Qatari legislators have now adopted a draft law on children which has been deposited with the Standing Committee on Legislative Matters accepting the principle contained in article 1 of the Convention on the Rights of the Child specifying the age of children: "For the purposes of the present Convention, a child means every human being below the age of eighteen years."

219. Recent Qatari legislation contains texts providing additional guarantees for the protection of children's rights. Article 7, paragraph 4, of Law No. 14 of 2014 on Combating Electronic Crime provides that, "By virtue of this article, a child shall be considered to be every person under the age of 18 years." Therefore, it is expected that the age of 18 years will be adopted in all new laws in general.

Issues contained in paragraph 25 (b) of the list of issues

220. A reference was made in the preamble to the Convention on the Rights of the Child to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) as an international instrument which guided the Convention among other such instruments in the field of strengthening the protection of children. It is well known that the Beijing Rules serve as guidelines to countries wishing to draw up legislation on children which shall not have binding legal force, which had an impact on the preventive, educational and social nature of the provisions of the Law on Juveniles and also on the draft law on the child referred to above.

221. In the field of juvenile criminal justice, Qatar has devoted attention to juvenile delinquents or juveniles subject to delinquency. The Ministry of the Interior has established a body for their security affairs under the supervision of a group of competent officers and specialists in accordance with the provisions of article 7 of the Qatari Law on Juveniles, Law No. 1 of 1994.

222. Qatar has devoted particular attention to juvenile justice and has designated a juvenile court to be responsible for juvenile affairs, to be run by a judge who is specialized in juveniles, and assisted by a social expert who will study the social and family conditions and factors relating to juveniles, and a psychological expert who will study the psychological state of juveniles; both will submit their reports on juveniles to the Juvenile Court, which will form part of the juvenile penal file. The court will take their information regarding juveniles into account when examining lawsuits, as stipulated by article 3 of the Law on Juveniles, which provides, "The Juvenile Court, before ruling on the matter of a juvenile who is subject to the provisions of this law, shall examine the report of the relevant body in the Ministry of the Interior and the report of social observers in order to ascertain his physical, mental, psychological and social state relating to the reasons for his delinquency and his being subject to delinquency."

223. Juvenile justice enjoys broad competencies by means of which it seeks to care for juveniles and protect them from delinquency or being subject to delinquency. Article 28 of the Law on Juveniles provides that the Juvenile Court alone may perform the following:

1. Examine the affairs of a juvenile who is accused of an offence or felony or who is subject to delinquency;

2. Resolve disputes arising from implementation of judgements concerning juveniles.

224. The Court shall be held in a social care centre for juveniles, on the basis of a request from the Ministry of the Interior or the Ministry of Administrative Development, Labour and Social Affairs.

225. With a view to achieving criminal justice for juveniles, Qatar has designated, within the Office of the Public Prosecutor, branches which are specialized in the affairs of

juveniles and whose task is to try cases relating to juveniles at all stages. Article 29 of the law provides that, "The Public Prosecutor shall take on lawsuits involving juveniles at all stages." Furthermore the State undertakes to provide a lawyer free of charge for the defence of the juvenile accused, who may not appoint a lawyer to ensure his defence, given that article 35 of the law provides that, "The juvenile accused of a crime shall have a lawyer; if he has not chosen a lawyer, the Court shall designate a lawyer to defend him, and in such case, the court shall estimate the appropriate charges and pay them from the financial allotment made for that purpose in the budget of courts of justice, provided that they shall be recuperated from the juvenile if he can afford to pay. If the juvenile is accused of a misdemeanour, a lawyer may be appointed to defend him, at the discretion of the court.

226. In affirmation of the contribution of the judiciary to protecting juveniles, the law grants full authority to the Juvenile Court to choose appropriate measures for the protection of the juvenile, in the light of the reports submitted by the social expert and the psychological expert concerning the juvenile, which should lead to his return to his family to receive care and reform. The court shall also review the measure it has adopted regarding the juvenile: whether it should be terminated, modified or replaced, if the court believes that the new circumstances of the juvenile so require. Article 42 of the Law on Juveniles refers to that authority in the following terms: "The court shall review the measure adopted by it regarding the juvenile and determine whether it shall be terminated, modified or replaced, on the basis of a request from the Public Prosecutor or the juvenile or whoever is responsible for him or has been submitted to him, if it appears from the observation reports that such measure is no longer appropriate to the situation of the juvenile."

227. The law also exempts the juvenile from assuming any financial burden for all the lawsuits concerning him. Article 43 provides that, "The juvenile shall not be required to pay any fees or expenses to the courts in lawsuits coming under this law." With a view to protecting juveniles and ensuring their integrity by the person responsible for the juvenile or his guardian, the law requires the guardian or person responsible for the juvenile to notify the juvenile police department of everything to which the juvenile has been subjected. Article 44 provides that, "The person responsible for the juvenile shall notify the police in case of the death or illness of the juvenile or a change of residence or his absence therefrom without permission or of any other incident occurring to the juvenile which may affect his behaviour.

Other matters

Issues contained in paragraph 26 of the list of issues

228. It should be noted here that Qatar, in recent years, has adopted a strategic policy with regard to general reservations concerning its review. Qatar decided to abandon completely the approach of general reservations when it acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and limited its reservations to specific items, giving its reasons for them.

229. Qatar has amended its Penal Code and adopted a clear definition of torture which is fully compatible with the definition contained in article 1 of the Convention against Torture, in response to the recommendation of the Committee against Torture on the preliminary report of the country. This clear text is aimed at strengthening the absolute prohibition of torture in the meaning contained in the Qatari Constitution, and at clarifying the dangerous nature of such criminal acts. It also demonstrates Qatar's support for the complete prohibition of torture in all situations and circumstances. This text has been included in Law No. 8 of 2010 Amending the Provisions of the Penal Code adopted in Law No. 11 of 2011.

230. Qatar being fully aware of the importance of limiting its reservations on the Convention against Torture to the narrowest possible scope, and in response to the recommendation of the Committee against Torture, Qatar has reformulated its reservation on the Convention by withdrawing its reservations on articles 21 and 22 and by amending its general reservation on the Convention and linking it to articles 1 and 16 of the Convention.

Issues contained in paragraph 27 of the list of issues

231. Qatar has taken numerous measures aimed at combating international terrorism, including:

- Adopting development strategies and policies which provide greater opportunities for young people and eliminate poverty so as to contribute effectively to eliminating conditions that are conducive to terrorism;
- Disseminating a climate of tolerance and strengthening the culture of peaceful co-existence and acceptance of the Other by means of nurture, culture, education, information, communication and religious guidance, or with the help of regional and global open institutional frameworks such as the Qatari Committee for the Alliance of Civilizations, the Doha International Centre for Dialogue among Religions, etc. This should help to prevent the spread of extremist ideologies, which provide a cultural breeding ground for violence and terrorism;
- By adopting laws which criminalize all forms of terrorism, including:
    - Law No. 3 of 2004 on Combating Terrorism;
    - The Penal Code, Law No. 11 of 2004;
    - The Code of Criminal Procedure, Law No. 23 of 2004;
    - Law No. 4 of 2010 Promulgating the Law against Whitewashing and Funding Terrorism;
    - Law No. 14 of 2014 Promulgating the Law against Electronic Crimes;
    - Law No. 15 of 2014 Regulating Charitable Matters;
- In addition to prospects for international policing and criminal cooperation for pursuing persons convicted of or suspected of having committed terrorist activities with countries of the region and all other countries worldwide by means of numerous memoranda of understanding and security agreements, now totalling 19 memoranda and agreements, not to mention acceding to 15 international conventions and regional agreements on combating the various crimes of international terrorism;
- With regard to capacity-building in the field of combating terrorism, the National Committee to Combat Terrorism for officers working in relevant departments in the Ministry of the Interior, in cooperation with the United Nations Office on Drugs and Crime, organized specialized workshops at this level, as follows:
    - Regional Workshop on Halting Nuclear Terrorism, 2008;
    - Regional Workshop on Human Rights in the Context of the Fight against Terrorism, 2009;
    - Regional Workshop on Strengthening International Cooperation Mechanisms in the Fight against Terrorism, 2010;
    - Regional Workshop on Relevant Security Council Resolutions to Combat Terrorism and Implementation Mechanisms, 2011;
- In the context of international efforts to combat terrorism and resist and fight this inhuman phenomenon without infringing human rights, relying on international rules and principles in this regard, the National Human Rights Committee organized, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), a training and capacity-building workshop for the protection of human rights and the rule of law in the context of the fight against terrorism, in October 2016.

232. In the context of ensuring observance of human rights in a framework of practices aimed at combating terrorism, the relevant bodies seek to observe the following safeguards:

- Legal safeguards for observance of the rights of the accused within a framework of criminal procedures at the various stages of inquiries, gathering evidence, investigation and trial provided for in the Code of Criminal Procedure;

- Applying investigation procedures under the authority of the Office of the Public Prosecutor, which is considered to be an independent judicial investigation authority;
- Ensuring that law enforcement officers and criminal justice bodies (the police, the Office of the Public Prosecutor, the judiciary), comply with the provisions of the 1984 Convention against Torture, to which Qatar acceded pursuant to Emiri Decree No. 27 of 2004;
- Regulating the conditions and procedures for extradition pursuant to the Code of Criminal Procedure, to be compatible with the relevant international standards;
- Defining cases of pretrial detention and their length under the authority of the Office of the Public Prosecutor as an independent judicial body.

Issues contained in paragraph 28 of the list of issues

233. The table below gives crimes punishable by execution in accordance with the Qatari Penal Code:

Crimes punishable by execution under the Qatari Penal Code, Law No. 11 of 2004

Art. No.	*Crimes punishable by execution under Qatari law*
98	• Bearing arms against the State, attempting to do so or inciting others to do so. • Infringing the independence of the State.
99	A Qatari who joins the armed forces of a State which is at war with Qatar.
100	• Acting in intelligence with a foreign country to undertake hostile acts against Qatar. • Aiding a foreign country with war operations or harming Qatar with war operations.
101	• Procuring soldiers or men or funds to another State which is at war with Qatar. • Inciting soldiers to enter the service of another State which is at war with Qatar.
102	Facilitating the enemy's entry into Qatar or giving the enemy part of Qatari territory.
103	Helping the enemy by giving it information or acting as a guide.
105.3	Deliberate destruction of arms, equipment or public facilities in times of war.
107	Acting in intelligence with a foreign country.
110.2	Passing on to a foreign country any defence secrets in times of war.
111.2	In his capacity as a public servant, revealing to a foreign country any defence secrets in times of war.
118.2	Failing to observe commitments under a contract to transport, import or perform public works with the intention of harming the defence of the State or the operations of the armed forces.
Crimes against the internal security of the State	
130	Attempting to overthrow the regime or to seize power by force or to form an armed guerrilla force for that purpose.
131	Threatening the life, security or liberty of the Emir or the Deputy Emir.

Art. No.	*Crimes punishable by execution under Qatari law*
132	Forcibly assaulting the authority of the Emir, the Deputy Emir or the Crown Prince.
135	Threatening, within the country, the security or liberty of the President or Head of State of a foreign country, or exposing their life or liberty to danger.
159.3	Using, as a public servant, force or threat against an accused person, a witness or an expert in order to induce him to confess or to make statements, should the use of force lead to the death of the victim.
159bis.3	Using, as a public servant or as any person acting in an official capacity, torture or incitation, or agreeing thereto or passing it over in silence, on some person, should the torture lead to the death of the victim.
173.2	Bearing false witness if that leads to the execution of an innocent person.
235	Setting fire intentionally if that results in the death of a person.
250.2	Putting materials, bacteria or other substances in well water or public water receptacles if that results in the death of a person.
252.2	Spreading diseases or infestations if that results in the death of a person.
279	Having intercourse with a female without her consent.
279.2	Any person who is a sponsor, guardian or servant of a female who has intercourse with her without her consent.
280	Any person who is a sponsor, guardian or servant of a female who is insane, feeble-minded or under the age of 16 and who has intercourse with her.
283.2	Any person who is a sponsor, guardian or servant of a male who has intercourse with him without his consent
284.2	
300	Intentional killing in the following cases: 1. With premeditation or stalking. 2. Using poisonous or explosive materials. 3. Against one of the perpetrator's parents. 4. Murder of a public servant by reason of the performance of his duties. 5. Connected with some other offence or felony.
302	Intentional killing in cases other than those listed in article 300.
305.3	Inciting a person who has lost his mind or discernment to commit suicide if that leads to his death.
318.3	If kidnapping or unjustified arrest leads to death.